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CHARTER*

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***Editor's note**—The City of Houston received its first Charter from the Congress of the Republic of Texas in 1837 as an apparent amendment to a bill that was originally intended to incorporate the City of Nacogdoches. In 1839, the Congress of Texas granted the City its own unique Charter, which was amended or replaced at various times through 1905 by the Congress of the Republic of Texas and later by the Texas Legislature. The current Charter, which is codified herein, has its origins in the Charter granted by the Texas Legislature in March 1905, which was amended by the Legislature in April 1905 and again in 1911. The adoption of the "home rule" provisions of Article XI, § 5 of the Texas Constitution in 1912 repealed the authority of the Legislature to grant charters and gave that authority to the inhabitants of larger cities. The City of Houston's voters have used the home rule amendment to revise the Charter at many elections, the first of which was held in 1913.

The Charter codification that appears herein was compiled by Alice S. Wilson, Senior Legal Assistant, under the supervision of Paul Bibler, Senior Counsel, of the City of Houston Legal Department from the original source documents, including copies of the acts of the Legislature in 1905 and 1911 and the ordinances calling and canvassing the various home rule Charter amendment elections. Numerous grammar and spelling errors, inconsistencies in capitalization and numbering, and other anomalies that appear in the source documents have been faithfully reproduced in this codification. Reference has been made to sections where the catch lines were added because many sections did not have catch lines in the source documents.

A source list for the Charter appears in the Charter Appendix, which follows the Charter.

Granted by the Legislature.	March 18, 1905	Amended by Voters	July 26, 1947
Amended by Legislature.	April 13, 1905	Amended by Voters	May 29, 1951
Amended by Legislature	August 31, 1911	Amended by Voters	August 16, 1955
Amended by Voters.	October 15, 1913	Amended by Voters.	November 18, 1961
Amended by Voters	December 28, 1915	Amended by Voters	January 27, 1968
Amended by Voters	February 20, 1918	Amended by Voters	August 11, 1979
Amended by Voters	December 30, 1922	Amended by Voters	August 14, 1982
Amended by Voters.	October 16, 1926	Amended by Voters.	November 5, 1991
Amended by Voters	January 28, 1933	Amended by Voters	January 15, 1994
Amended by Voters	August 15, 1942	Amended by Voters.	November 2, 1999
		Amended by Voters.	November 6, 2001

ARTICLE I. CORPORATE NAME AND BOUNDARIES AND PLATTING OF PROPERTY*

Section 1. Corporate Name.

That all the inhabitants of the City of Houston, Harris County, Texas, as the boundaries and limits of said City are herein established, or may be hereafter established, shall be a body politic, incorporated under, and to be known by the name and style of the City of Houston, with such powers, rights, and duties as are herein provided. (Act of 1905)

SECTION 2. BOUNDARIES ESTABLISHING CITY LIMITS. [Text omitted].

Section 2-a. Extending City Limits upon Petition.

The City of Houston, whenever a majority of the qualified voters who are citizens of the State of Texas and inhabitants of any territory adjoining said City of Houston, desire the annexation of such territory to said City they may present a written petition to that effect to the City Council, and shall attach to said petition the affidavit of one or more of their number to the effect that said petition is signed by a majority of such qualified voters; and thereupon the City Council at any regular session held not sooner than twenty days after the presentation of said petition may by ordinance annex such territory to the City of Houston and thenceforth the said territory shall be a part of the City of Houston, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions and regulations of the said city. (Added by amendment October 15, 1913)

Section 2-b. Extending Limits by Action of City Council.

The City Council shall have power by ordinance to fix the boundary limits of the said City of Houston, and to provide for the extension of said

*Note—The title of this article was added by the editor; it was not titled in the 1905 Special Act or any of the subsequent amendments.

boundary limits and the annexation of additional territory lying adjacent to said city with or without the consent of the territory and inhabitants annexed; that upon the introduction of such an ordinance in the Council after it has been reported upon by the ordinance committee and has been amended as desired by the Council for final passage, it shall be published in some daily newspaper published in the City of Houston one time, and shall not thereafter be finally passed until at least 30 days has elapsed after said publication, and when said ordinance is finally passed the said territory so annexed shall be a part of the City of Houston, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the said city. (Added by amendment October 15, 1913)

SECTION 3. Platting of property.

That should any property lying within the city limits as established by this act be hereafter platted into blocks and lots, then and in that event the owners of said property shall plat and lay the same off to conform to the streets and lots abutting on same, and shall file with the City Engineer a correct map of same; provided, that in no case shall the City of Houston be required to pay for any of said streets at whatever date opened, but when opened by reason of the platting of said property, at whatever date platted, they shall become by such act the property of the City of Houston for use as public highways, and shall be cared for as such; provided, however, that the platting of any property laid off into blocks and lots as herein provided shall be platted in accordance with the regulations prescribed by the City Council. Said plat shall be approved by the City Council before said plat is placed of record, and before any lot or lots are sold with reference to said plat, and the City Council shall be authorized to pass all necessary ordinances, penal or otherwise, with reference to the platting of property so as to carry into effect the purposes of this provision and the City Council is further authorized to pass all necessary ordinances prescribing reasonable rules and regulations for the laying of water mains or pipes, sewers and the regulation of the

kind and character of street paving which may be placed in any such addition. (Act of 1905; amended December 30, 1922)

ARTICLE II. CORPORATE AND GENERAL POWERS*

Section 1. Corporate Powers.

The City of Houston, made a body politic and corporate by this Act, shall have perpetual succession, may use a common seal, may sue and be sued, may contract and be contracted with, implead and be impleaded in all courts and places and in all matters whatever, may take, hold and purchase lands as may be needed for the corporate purposes of said City, and may sell any real estate, or personal property owned by it, perform and render all public services, and when deemed expedient, may condemn property for public use, and may hold, manage, and control the same, such condemnation proceedings to be governed and controlled by the law now in force in reference to the condemnation of the right of way of railroad companies and the assessment of damages therefor, and shall be subject to all the duties and obligations now pertaining to or incumbent upon said City as a corporation not in conflict with the provisions of this Act, and shall enjoy all the rights, immunities, powers, privileges, and franchises now possessed and enjoyed by said City and herein granted and conferred. (Act of 1905)

Section 2. General powers.

(a) The City Council shall have power to enact and to enforce all ordinances necessary to protect life, health and property; to prevent and summarily abate and remove nuisances; to preserve and promote good government, order, security, amusement, peace, quiet, education, prosperity and the general welfare of said City and its inhabitants; to exercise all the municipal powers necessary to the complete and efficient management and control of the municipal property and affairs of said city to effect the efficient administration of the municipal government of said city;

*Note—The title of this article was added by the editor; it was not titled in the 1905 Special Act or any of the subsequent amendments.

to exercise such powers as conduce to the public welfare, happiness and prosperity of said city and its inhabitants; and to enact and enforce any and all ordinances upon any subject; provided, that no ordinance shall be enacted inconsistent with the provisions of this charter; and, provided further, that the specification of particular powers shall never be construed as a limitation upon the general powers herein granted; it being intended by this charter to grant to and bestow upon the inhabitants of the City of Houston and the City of Houston full power of local self government, and it shall have and exercise all powers of municipal government not prohibited to it by its charter, or by the provisions of the Constitution of the State of Texas.

(b) The City shall have all powers that are or hereafter may be granted to municipalities by the Constitution or laws of Texas; and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the Council.

In addition to all the powers enumerated in this charter, implied thereby or appropriate to the exercise thereof, the City shall have and may exercise in the manner hereinbefore provided, all other powers which, under the Constitution and laws of this State, it would have been competent for this charter specifically to enumerate. (Act of 1905; amended October 15, 1913)

Sec. 3. Real Estate, etc., Owned by City.

All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise; all public buildings, market houses, school houses, fire engine stations, public squares, parks, streets, alleys and all property of whatever kind, character and description which has been granted, donated, purchased or otherwise acquired by the City of Houston through any means or agency, and all causes of action, choses in action, rights or privileges of every kind and character, and all property of whatsoever character or description which may have been held and is now held, controlled or used by said City of Houston for public uses or in trust for the public, shall vest in

and remain in, and inure to, the said corporation, the City of Houston, under this Act; and all suits and pending actions to which the City of Houston heretofore was or now is a party, plaintiff or defendant, shall in no wise be affected or terminated by the provisions of this Act, but shall continue unabated. (Act of 1905)

Sec. 4. Street Powers.

The City of Houston shall have power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cure for, sell, pave, supervise, maintain, and improve streets alleys, sidewalks, squares, parks, public places and bridges; and to vacate and close the same and to regulate the use thereof, and to require the removal from the streets and sidewalks of all obstructions, telegraph, telephone, street railway or other poles carrying electric wires, signs, fruit stands, show cases and encroachments of every character upon said streets or sidewalks; to vacate and close private ways. (Act of 1905)

Sections 4-a and 4b. Repealed.

Note—These sections, which related to street opening and condemnation, were repealed by the voters at the November 2, 1999, Charter Election. The repealer included the following savings clause:

This repealer shall not be construed to affect the validity of any action taken or right or obligation created or assumed under the said provisions prior to their repeal, and the said provisions are saved from repeal for the limited purpose of the continued enforcement of rights and obligations that arose thereunder prior to their repeal.

Section 5. To Regulate Street and Electric Railway Companies.

The City of Houston shall have the power by ordinance or otherwise to regulate the speed of engines, locomotives and street cars within the limits of said City, and to require steam railway companies to keep the streets over which they run properly drained, and to light the same wherever deemed necessary; and to require steam and electric railway companies to construct and keep in repair from curb to curb bridges and crossings over all the ditches, and to construct and maintain drains and culverts where crossed by any line of said railways on all streets over which they run.

To direct and control the laying and construction of railroad tracks, turnouts and switches, and to regulate the grade of same, and to require them to conform to the grade of the streets of said City as they may be or are now established, and that said tracks, turnouts and switches be so constructed and laid out as to interfere as little as possible with the ordinary travel in the use of the streets.

The City of Houston shall have power by ordinance or otherwise to require steam railways using any portion of the streets of the City to pay all or any part of the paving, grading, draining and repair thereof along the street so used by such railway, and to light the same whenever and wherever deemed necessary or advisable.

Said City shall have power by ordinance or otherwise to require any street or electric railway company to pay the cost of the grading, paving repairing or repaving or otherwise improving the street or streets or intersections thereof used or occupied by such railway company, and such cost shall be a lien upon the property and franchises of the company. The portion of the street occupied by an electric or street railway company shall be deemed to be the space between its tracks and twelve inches on the outside of each of its rails, and all the space between double tracks, turnouts and switches.

Any railroad company or street railway company proposing, with the permission of the Council, to occupy any street or streets already occupied by any other such company, shall, besides paying for paving as may be required by the City Council or by the provisions of this Act, be required also to pay for paving between the tracks of said two roads to within twelve inches of the track of such other road, and such cost shall be a lien upon the property and franchises of the company.

Should any railroad or street railway company propose to lay a track on any street or portion of a street which shall have been improved under the provisions of this Act, it shall become liable for the portion of the cost of such improvement as the City Council may direct or as is fixed by this Act.

No railroad or street railway company shall be permitted to occupy any street or portion of a street, improved or otherwise, not previously occupied by it, except with the permission of the City Council.

The City Council shall have power by ordinance to require any street car or electric railway company, or other person or corporation operating street cars in, into or through the City of Houston, to issue to its passengers transfers from any of its lines to any other lines within the City, upon the payment by said passenger of the fare or rate prescribed for one continuous passage. (Act of 1905)

Section 5-A. Interchange of Service or Common use of Tracks, poles, etc.

The City of Houston shall have the power by ordinance, to provide for the interchange of service or common use, by and between every person, firm, corporation, assignee, trustee or receiver, including the City of Houston, owning, using, operating or controlling any franchise or public utility in the City of Houston, over and of the lines, tracks or properties owned, held, maintained or operated by such person, firm, corporation, assignee, trustee or receiver under such franchise, and to have the power to enforce all ordinances passed hereunder by appropriate provisions, penal or otherwise, including the repeal and forfeiture of any of said franchises for non-compliance with the provisions of any ordinance or requirement passed under authority hereof.

By the term "interchange of service or common use" as herein used is meant, that any person, firm, corporation, assignee, trustee or receiver holding a franchise from the City for any public utility shall allow the use by the City of Houston, or any other person, firm, corporation, etc. owning, using, operating or controlling any franchise or public utility in the City of Houston upon the payment of a reasonable rental for such use of any of its poles, tracks, wires, conduits, electric current, right of way or other properties or equipment.

The City of Houston shall also provide such reasonable rates of charge and conditions of use as in its judgment may be meet and proper, and

the City Council shall especially have the power to compel any railroad or terminal company, whether operated by steam, electricity or other power to allow any other terminal or railroad company or the City of Houston to use its tracks or physical property under such reasonable regulations as to time and manner of use and compensation therefor as the city council may fix. (Added by amendment October 15, 1913)

Sec. 6. To Regulate Rates of Public Utilities.

The City Council shall have the power by ordinance to fix and regulate the price of water, gas and electric lights, and to regulate and fix the fares, tolls and charges of local telephones and exchanges; of public carriers and hacks, whether transporting passengers, freight or baggage, and generally to fix and regulate the rates tolls or charges of all public utilities of every kind.

To fix and regulate the fares and charges of electric or street railway companies, and shall require by ordinance, under proper penalties, that any street railroad using any of the streets of the City shall for one fare give a transfer from any of its lines to any other line in the City, whether such other line be owned by it or any other company, and in addition to the penalties to be prescribed by ordinance for the failure to give transfers, shall have the right by mandamus or other proper remedy in any court of competent jurisdiction to enforce any ordinance requiring the giving of transfers by any street railroad company; and in addition thereto, the City of Houston may recover of the street railway company the sum of twenty five dollars as penalty and liquidated damages for each and every failure to give a transfer.

It shall be unlawful to continue, amend or extend any street railroad franchise, without binding any such railroad to give universal transfers, under provisions to be fixed by general ordinance. (Act of 1905)

Section 6-A. Service and Extensions by Public Utility Concerns.

The City of Houston shall also have power by ordinance to prescribe the character, quality and efficiency of service to be rendered, given, per-

formed and furnished, and the kind and design of material to be used in all their improvements by persons, firms, corporations, assignees, trustees or receivers engaged in the business of furnishing water, gas, electric lights, telephone service or in the transportation of passengers, or freight and baggage, or in the operation of any public utility of any kind operated under franchise from the City of Houston, and the improvement of their service in a manner necessary or required for the public comfort and convenience, and to make improvements and betterments of their property. The City of Houston shall also have the power to regulate the extensions of the lines or service of any public utility operated under franchise from the City of Houston, and shall have the authority by ordinance to require, prohibit or otherwise regulate such extensions of lines or service, and the City Council may of its own motion, and shall at the request of any person, firm, or corporation affected by any such proposed extension make provision for a hearing for the purpose of determining the reasonableness thereof and public necessity therefor.

All such hearings shall be conducted under such provisions as the City Council may prescribe. Nothing herein shall prevent the City Council from making general rules and regulations for the extension of lines or service.

The City Council shall have power to enforce all ordinances passed under the authority hereof by appropriate provisions, penal or otherwise, including the repeal or forfeiture of any of said franchises for noncompliance with the provisions of any ordinance passed by authority hereof. (Added by amendment October 15, 1913)

Sec. 7. May Own Waterworks.

The City of Houston may buy or construct, own, maintain and operate a system of waterworks, gas or electric lighting plants, street cars and sewers, and it shall be its duty to regulate, care for and dispose of sewage, wastewater, surface water, offal, garbage and other refuse matter, and to make rules and regulations governing the same, and prescribe penalties for violations of said rules and regulations. (Act of 1905)

Sec. 7a. Ownership, etc. of public utilities.

The City of Houston may by purchase, lease, condemnation, construction or otherwise, establish, own, equip, maintain, conduct and operate, in whole or in part, libraries, reading rooms, art galleries, museums, assembly or convention halls, parks, playgrounds, gymnasiums, baths, public toilets and comfort stations, abattoirs, municipal lodging houses, and tenement houses, dispensaries, infirmaries, free employment bureaus, almshouses, work farms, detention homes, cemeteries, crematories, morgues, works or plants for the preparation, manufacture, handling or transportation of materials required in the construction, completion, maintenance or repair of streets, bridges, sidewalks, sewers and any public work, improvement, building or utility, whether specifically mentioned herein or not, and shall have power to purchase and contract for any and all materials used in connection with the operation of said works or plants, or the maintenance or repair of streets, bridges, etc., hereinabove mentioned, and shall further have power to bid on any public work or improvement proposed or instituted by or in the City of Houston and to contract for the same in like manner and upon the same terms and conditions as other contractors, with the power to purchase any and all materials which may be necessary to carry out and perform such contract whether same are of the kind repaired, manufactured or handled in the plants or works owned by the City of Houston or not. The City of Houston may also, by purchase, condemnation, construction or otherwise establish, own, equip, maintain, conduct and operate in whole or in part steam laundries, ice factories, bakeries, belt and terminal railways and union depots within or without the City of Houston; also, any and all buildings, establishments, institutions and places, whether situated inside or outside the city limits which are necessary or convenient for the transaction of public business or for promoting the health, morals, education or welfare of the inhabitants of the city, or for their amusement, recreation, entertainment or benefit. (Added by amendment October 15, 1913; amended August 14, 1982)

Sec. 7b. Power of the city to buy and sell electricity, etc.

The City of Houston shall have the power to buy gas, electricity, steam, water or any other

kind of power, service or commodity needed for public use, and shall have the right to resell by wholesale or retail all such gas, electricity, steam or water, power, service or commodity which it may not need for its own use; provided, that the city shall not be bound by any contract for the purchase or sale of any gas, electricity, steam or other power, commodity or service for a longer period of time than five years, unless one of the following special requirements is fulfilled, either: (i) the council has approved such contract by motion, resolution or ordinance adopted by a vote of at least two-thirds of the council, or (ii) a proposition for the making of such contract is submitted to a vote of the qualified electors of the City at an election, which proposition must include a summary of the material terms of the contract, and a majority of the votes cast on such proposition is in favor of the making of such contract. Said election shall be held in the manner provided in the applicable state laws, this Charter and the ordinance ordering the same. (Added by amendment October 15, 1913; amended August 14, 1982)

Sec. 8. Fires.

The City of Houston shall have power to provide means for the protection against and the extinguishment of conflagrations, and for the regulation, maintenance and support of the fire department, and for the purpose of guarding against the calamity of fire, may prescribe fire limits, and may regulate or prohibit the erection, building, placing or repairing of wooden buildings within such limits in said City as may by ordinance be designated and prescribed as fire limits, and may also within said limits prohibit the moving or putting up of any wooden buildings from without said limits, and may also prohibit the removal of any wooden buildings from one place to another within said limits, and may direct and prescribe that all buildings within the limits so designated in the ordinance as fire limits shall be made or constructed of fireproof material, the kind, character, extent and quality of which buildings and material may by ordinance be prescribed and fixed, and may prohibit the repairing of wooden buildings in fire limits when the same shall have been damaged to within fifty percent of

the value thereof, and may prescribe the manner of finding such damages, and may declare all dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated in such a manner as the Council may prescribe, and may declare all wooden buildings in the fire limits which they deem dangerous to contiguous buildings, or which may cause or promote fires, to be nuisances, and may require and cause the same to be removed in such manner as may be prescribed, at the expense of the owner and may further prescribe limits within which only a fire-proof roofing may be used, and may impose a penalty for violations of such rules and regulations.

The City shall have the right by ordinance to regulate, prescribe and govern the storage of lumber, sash, doors, blinds, and any and all kinds of goods, wares and merchandise of every kind, and prescribe limits within which such materials may be carried, and fix penalties for violation of the rules and ordinances governing the same. (Act of 1905)

Sec. 9. Harbor and water front.

Said city shall have power by itself, or in connection with the Harris County Navigation District and the Government of the United States to acquire by purchase, lease, condemnation or otherwise, or to construct, keep, maintain, deepen, widen, cover, wall or alter waterways, channels, slips and canals; and to improve, maintain and control the waterfront and harbors of the city on Buffalo Bayou and its tributaries, whether within or without the city limits, and shall also have power to provide by purchase, lease, condemnation or otherwise and to establish, construct, buy, own, maintain, equip, regulate and operate and to lease or sell the same when constructed elevators, warehouses, bunkers, wharves, docks, dry docks, piers, marine ways, levees, seawalls, moles, draw-bridges, and other structures and appliances for facilitating or accommodating commerce or navigation on Buffalo Bayou and its tributaries, whether within or without the city limits. And it shall also have power to license, regulate and control the use of said streams, or restrain the landing, anchorage, moorage, loading and unloading of steamships and steamboats, sailing vessels, tug

boats, rafts and all other watercraft, on said Buffalo Bayou and its tributaries, whether within or without the city limits; to fix the rates of wharfage, dockage, towage, pilotage and tolls, and to provide for the collection thereof, and to make and enforce regulations governing the use of harbors, docks, wharves and waterfront and other navigable waters and the opening and passing of bridges in the said limits on said Buffalo Bayou and its tributaries, whether within or without the limits of said city. (Act of 1905; amended October 15, 1913, August 14, 1982)

Sec. 10. Markets.

Said City shall have power to establish, lease, maintain, regulate and operate markets and market places and abbatoirs [sic], and to build, own, and maintain buildings therefor, and to rent and lease the same. (Act of 1905)

Sec. 11. Charities and Corrections.

The City shall have power to establish, maintain and regulate the city prison, or city prisons, work houses, rock piles and other means of punishment for vagrants, city convicts and disorderly persons, houses of correction and reformatories for youthful criminals, compulsory schools for children without parents, or vicious parents or parents who willfully and grossly neglect them, and such other places of incarceration and reformatory institutions, and such hospitals, orphanages and charitable institutions as it may deem expedient; provided, however, that no gratuity that is purely personal, and no pension, shall ever be granted to any individual, and no money of the City shall be paid out except for personal services rendered, and for the other purposes specified or authorized by this Act. (Act of 1905)

Sec. 12. Fines for Violation of Ordinances.

That the bylaws and ordinances of the City shall be enforced by a fine not to exceed two hundred dollars (\$200); provided, that no ordinance or by-law shall provide a lesser penalty than is prescribed for a like offense by the laws of the State.

The City Council may provide by ordinance for the commutation of fines imposed, by labor in a

work house or on a rock pile, or upon the public streets and public ways of the City of Houston, and for the collection of any fine imposed execution may be enforced as other execution issued in civil causes. (Act of 1905)

Sec. 13. Corporation Court.

There shall be a court for the trial of misdemeanor offenses, known as the "Corporation Court," with such powers and duties as are defined and prescribed in an act of the Legislature of the State of Texas, and any acts amendatory thereof, entitled, "An Act to establish and create in each of the cities, towns and villages of this State a State Court, to be known as the 'Corporation Court' in each city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts," said Act having been prescribed to the Governor of Texas March 15th, 1899, and not having been by him disapproved.

The Magistrate of said court shall be known as the "Judge of the Corporation Court," who shall be a qualified voter and shall be appointed by the Mayor and confirmed by the City Council, and shall hold his office for two years, unless sooner removed by the Mayor and City Council and shall receive such salary as may be fixed by ordinance.

It shall be the duty of the Mayor, as soon as practicable after the passage of this Act, to nominate some suitable person to the City Council, to be by it confirmed, for the position of Judge of the Corporation Court, who shall discharge the duties of said office under the terms and provisions of the State law creating said court, and also subject to the provisions of this Act.

There shall be a Clerk or Clerks of said court, with such deputies as may be created or provided by ordinance by the City Council, who shall be appointed by the Mayor, and shall be subject to removal at any time by the Mayor or City Council, and shall receive such salary as may be fixed by the City Council.

The Clerk or Clerks of said court, and the deputies thereof, shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally to do and perform all things and acts usually or neces-

sary to be performed by Clerks of courts in issuing process of said courts and conducting the business thereof.

The City Council may require such Clerk, Clerks or deputies created by it to perform such other duties, in addition to the duties of the Clerk or Deputy Clerk, as may be prescribed, or may provide that some other persons, in addition to other duties, may perform the duties of a Clerk or Deputy Clerk, without extra compensation. (Act of 1905)

SECTION 13-a. Substitute judge; acting judge.

In the event of the absence, illness or inability from any cause whatsoever of the Judge of the Corporation Court to act in such capacity the Mayor shall be authorized to nominate some suitable person to the City Council to be by it confirmed to fill such position of Judge of the Corporation Court during the absence, illness or continued inability to serve as the Judge of said Court and such temporary Judge shall discharge all of the duties and have all of the rights, power and authority that the regularly appointed Judge of said Corporation Court has during the tenure of his appointment. (Added by amendment October 16, 1926)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1926 Charter Election.

Sec. 14. Schools—City of Houston an Independent School District.

The City of Houston shall constitute an independent school district, subject to the general school laws of the State, except where in conflict with this Act, and the City shall have authority to levy and collect taxes and appropriate funds for the support and maintenance of the public schools within its limits.

School Trustees, How Appointed, Terms of Office, etc. The trustees to constitute the school board of said City shall hereafter be appointed by the Mayor, and confirmed by the Council, but the trustees now in office shall continue to serve till the expiration of their respective terms; and all vacancies caused by death, resignation or other

cause, shall be filled by appointment in the same manner for the unexpired term. The regular term of members of the school board shall be two years, and the regular appointment of members shall be made at the first meeting of the Council in May of each year, or as soon thereafter as practicable, and the necessary number of trustees shall be appointed to take the places of those whose terms have expired.

Right Of Mayor To Veto Any Pecuniary Liability. No order, resolution or vote of the school board by which any pecuniary liability shall be incurred, or any funds expended or appropriated, shall become effective until ten days after the same is adopted, and a certified copy thereof furnished to the Mayor, and the Mayor may at any time during said period veto the same by filing his objections thereto in writing with the Secretary of the School Board, who shall enter the objections at large upon the minutes of the Board; said order, resolution or vote shall become void, unless at the next meeting of the Board it shall again be adopted over the veto by the affirmative votes of at least five members, whose names shall be entered upon the minutes of the Board.

City Treasurer Custodian of Funds. The custodian of other City funds, as provided by this Act, shall be the custodian of all public school funds, upon the same terms and conditions as other funds, and his bond shall cover said school funds.

How Funds are to be Paid Out. No school funds shall be paid out except upon pay rolls or warrants signed by the President of the School Board and the Mayor of the City, and countersigned by the City Controller.

Duty of School Board to Make Financial Statements. It shall be the duty of the School Board to make such financial statements or reports as may be requested by the Mayor or the City Council, and the Mayor or Council may make or cause to be made all such investigations as to the expenditures of funds or the conduct of the schools as either may deem proper.

Members of School Board not to Receive any Pay or to be Interested in any Contract or to Buy or Sell any School Warrants, etc. No member of the School Board shall receive any compensation for

his services in any capacity whatever, nor be interested, directly or indirectly, in any contract with or claim or demand of any character against the School Board or the City of Houston. Any such contract, claim or demand shall be void, and any member of said Board who shall become interested in any such contract, claim or demand, or shall buy or sell any school warrants or obligations of said Board, and shall have any interest in any claims or obligations of said School Board, shall be subject to removal by the City Council. (Act of 1905)

Section 14a. School board to furnish free school books.

It is hereby made the duty of the school board to purchase such text books as are required to be used in all the city's schools, to appropriate money from the school funds to pay for said books, and it is hereby made the duty of the Mayor of the City of Houston to approve such appropriations as are necessary to pay for said books, such books to be purchased in the manner as shall hereinafter be provided. For the school year commencing September, 1914, on or about such date, and for all terms and semesters thereafter, the school board shall buy and furnish text books to be used by the pupils of the first four grades, known as First, Second, Third and Fourth grades. For the school year commencing in 1915, and for all terms and semesters thereafter, the school board shall buy and furnish text books to be used by the pupils of the first eight grades, known as First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth grades. For the school year commencing in 1916, and for all terms and semesters thereafter, and for all school years, terms and semesters in the future, for all schools conducted by the City of Houston, including the Freshman, Sophomore, Junior and Senior classes of the High School, the school board shall buy and furnish all books used by all the pupils in all grades whatsoever. The books shall be the property of the City of Houston, and they shall be loaned to the pupils within the scholastic age attending the public schools, free of charge, for use, and no pupil attending school in Houston, Texas, under the provisions of this amendment, shall be deprived of any books necessary for his studies in the aforesaid grades. The control

and distribution of the books shall be governed by such rules as the school board sees fit to make, or by such ordinances as may be passed by the City Council. All laws or parts of laws in conflict herewith shall stand repealed. (Added by amendment October 15, 1913)

Section 15. Burial Grounds, Crematories and Cemeteries.

The City Council shall have power to regulate burial grounds, crematories and cemeteries, and to prohibit burial within the city limits if deemed advisable, or if necessary to protect the public health, and to condemn and close burial grounds and cemeteries in the thickly settled portions of the City, and when demanded by the public interest or public health to remove or cause to be removed bodies interred in such condemned and closed cemeteries and burial grounds, and shall cause them to be re-interred in a suitable place to be provided by the City, at its expense, and whenever advisable the City may condemn the land proposed to be used for the re-interring of bodies, in the same manner as in condemnation suits of railway companies, and use such condemned ground formerly used for cemeteries for such purposes as may best subserve the interests of the City.

The City Council shall have power and authority to make all needful and necessary regulations in regard to butchers and persons selling meats, farm products, fish, vegetables and fruit, and all foodstuffs, and to require the same to be inspected and condemned if not found wholesome, and to provide penalties for violation thereof.

The City Council shall have the right and power by ordinance to provide that the tenant or owner of any property shall pay to the City such reasonable charges for the removal of night soil or other refuse matter from the closets of the premises thereof, and to prohibit anyone except some one in the employ of the City, or by the City authorized to do so, from removing or carrying away the contents of any privy, vault or water-closet, or any receptacle of human excrement, and the City shall have the right to have inspected the premises of all persons at any time in the interest of the public health, and for the purpose of mak-

ing said inspection the officers or agents of the City duly authorized to do so, shall have a right to enter upon the premises of any person at any hour during the day time to make said inspection. Whenever notice is given by any officer or employe of the City inspecting any premises that said premises need cleaning, the said night soil or other refuse matter shall be removed and the owner or tenant of said premises shall pay the City the price prescribed therefor, and failure to do so shall subject said persons to the penalties to be prescribed by ordinance, and said persons shall be fined upon conviction in the Corporation Court, in any sum not less than one dollar, nor more than two hundred dollars.

To prevent any person from bringing, depositing or having within the limits of said City any dead carcasses or any offensive or unwholesome substances or matters, and to require the removal or destruction by any person who shall have placed upon or near his premises or elsewhere any substance or matter, filth, or unsound beef, pork or fish, or hides, and skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer or employe of the City, and to require the owner of any dead animal to remove the same to such place as may be designated.

The City Council shall also have the power to pass ordinances authorizing the destroying of clothing, bedding, furniture, and buildings infected with the germs of any infectious or dangerous disease, when in the discretion of the City Council the public health requires the destruction of the same, and may also in the same manner authorize the destruction or removal of buildings or other objects, after the same shall have been declared a nuisance and to be dangerous to the health or lives of the citizens of said City.

That said corporation of the City of Houston is hereby given full power and authority to take such steps to improve and preserve the purity of the water in Buffalo Bayou above the City of Houston as it may think necessary, provided that the power in this Section shall not be construed to give said corporation any jurisdiction or control over said Bayou beyond the corporate limits of said City, except for the purpose of protecting or

improving the water shed, i.e., the water supply of both Buffalo Bayou and the smaller streams or tributaries; provided, further, that the said corporation shall have the right to condemn land, buildings and out-houses or closets when they may deem necessary for the protection and preservation of the purity of the water in said Bayou, and shall have such police powers as to control the same.

The City Council shall also have power to require any persons or corporations owning or operating manufacturing enterprises within or without the City, which discharge refuse matter into Buffalo or White Oak Bayous, or the tributaries of either, to make other provision for such refuse matter, or so purify the same as that the public health will be fully protected. (Act of 1905)

Section 15-a. Legal Day's Work.

(a) Eight hours shall constitute a day's work of all laborers, workmen or mechanics now employed or who may hereafter be employed by or on behalf of the City of Houston in any one calendar day where such employment, contract or work is for the purpose of constructing, repairing or improving buildings, bridges, roads, highways, streams, levies, sewer building, pipe laying, water construction or other work of a similar character requiring the services of laborers, workmen or mechanics, except in cases of emergency, in which event the emergency provisions of section (b) hereof shall apply.

(b) All contracts hereafter made by or on behalf of the City of Houston with any corporation, person or association of persons for the performance of any work shall be deemed and considered as made upon the basis of eight hours constituting a day's work, and it shall be unlawful for any corporation, person or association of persons having a contract with the City of Houston to require or permit any such laborers, workmen or mechanics to work more than eight hours per calendar day in doing such work, except in case of emergency or in cases where it may become necessary to work more than eight hours per calendar day for the protection of property, human life or other grave necessity. In such emergencies the laborers, workmen or mechanics so

employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work; provided, that nothing in this amendment shall affect contracts in existence at the time of the taking effect of this amendment.

(c) The City Council shall enact all such ordinances as may be necessary to carry out and make effective the provisions of this amendment. (Added by amendment October 15, 1913)

Section 16. Peace and Good Order.

The City of Houston shall have power by ordinance duly passed to establish and maintain the City Police Department, prescribe the duties of policemen and regulate their conduct.

To permit, forbid or regulate theaters, balls, dance houses and other public amusements, and to suppress the same whenever the preservation of order, tranquility, public safety or good morals may demand.

To regulate dram shops, drinking saloons and other places where intoxicating liquors are sold, and to close variety theaters when necessary, expedient or advisable.

To prohibit and punish keepers and inmates of bawdy houses and variety shows, to prevent and suppress assignation houses and houses of ill fame, and to regulate, colonize and segregate the same, and to determine such inmates and keepers to be vagrants, and provide for the punishment of such persons.

To inspect weights and measures, fix standards of weights and measures, and to fix penalties for not using or conforming to the same, and to provide that inspection fees may be fixed by ordinance.

To make all needful and proper regulations concerning keepers of taverns and grog shops and other public houses, draymen, horse drivers, water carriers, omnibus drivers, hack drivers and drivers of baggage wagons and other vehicles, and especially to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains, and to

provide how and where hacks or other carriers shall stand or take their position upon the streets adjacent or near to said depots.

To prevent extortion by carriers of passengers or baggage, hacks, drays and public conveyances, by establishing maximum rates of charges and providing penalties for violation thereof.

To provide and fix by ordinance public stands where hacks and drays, baggage wagons or other public carriers shall stand on the streets of said City for the purpose of soliciting business, and to prescribe that they shall not stand, except when receiving or discharging passengers or freight, at any points, other than those designated in the ordinance as public stands.

To suppress gambling houses, and to punish keepers of gambling houses and pool sellers, and all persons who play cards or games of chance of any kind, and to punish persons who sell lottery tickets or who advertise lottery drawings or schemes and results of drawings or lotteries.

To provide for the regulation of bakers, and to prescribe the weight, quality and price for bread manufactured or sold in the City of Houston, according to the price of the material or otherwise, and to provide for the inspection of milch cattle, whether kept within the City or without the City limits, from which milk is sold within the City, and to provide for the inspection of the milk offered for sale, and to prescribe the fees to be charged therefor.

To establish and regulate public pounds and to regulate and restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, geese and pigeons, and to authorize the distraining, impounding and sale of the same for the cost of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties upon the owners thereof for the violation of any ordinance regulating or prohibiting the same.

To tax, regulate, restrain and prohibit the running at large of dogs, and authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

To prohibit and restrain or regulate the rolling of hoops, the flying of kites and firing of fire crackers, the use of velocipedes and bicycles, and the use of any pyrotechnic or any other amusement or practice tending to annoy persons passing in the streets or sidewalks or to frighten horses and teams.

To restrain and prohibit the ringing of bells or blowing of horns, bugles and whistles, crying of goods, and all other noises, practices and performances, tending to the collection of persons in the streets or sidewalks by auctioneers and others for the purpose of business, amusement or otherwise.

To prohibit mendicants, beggars or persons of infirm or maimed bodies, or suffering with diseases of any kind, from soliciting alms, help or assistance upon the streets or sidewalks of said City, and to prescribe a penalty by fine for a non-observance thereof.

To prohibit and regulate the ringing of bells and blowing of whistles of railroad engines or locomotives within the City limits and to regulate the speed thereof.

To regulate and control the driving of cattle, horses and all other animals into or through the City.

To prevent all trespasses and breaches of the peace and good order, assault and batteries, fighting, quarreling, using abusive, profane and insulting language, misdemeanors and all disorderly conduct, and punish all persons thus offending.

To prevent and punish the keepers of houses in which loud or immoral theatrical representations are given, and to adopt summary measures for the removal or suppression of all such establishments.

The City Council shall have power to require, on due notice, all steam or street railway companies owning tracks within the City limits upon the public streets or highways of said City, which may have been or may hereafter be abandoned by said companies by non-use, to remove such hacks and to restore at their own expense the street or way upon which such abandoned track is located to the proper grade.

To prohibit, prevent and suppress horse racing, immoderate riding and driving in the streets of said City.

To regulate the use of automobiles and the speed thereof.

To prohibit and punish the abusers of animals.

To compel persons to fasten their horses or other animals attached to vehicles or otherwise hitched or standing in the streets.

To restrain and punish vagrants, mendicants, beggars and prostitutes.

To regulate and control the sale, gift, barter or exchange of cocaine, opium, morphine, and the salts thereof. (Act of 1905)

Sec. 17. Franchises.

The right of control, easement, user and the ownership of and title to the streets, highways, public thoroughfares and property of the City of Houston, its avenues, parks, bridges and all other public places and property are hereby declared to be inalienable, except by ordinance duly passed by a majority of all the members of the City Council and approved by the Mayor; and no grant of any franchise or lease, or right to use the same, either on, along, through, across, under or over the same by any private corporation, association or individual, shall be granted by the City Council unless submitted to the vote of the legally qualified voters of said City, for a longer period than thirty years; provided, however, that whenever application is made for any grant of franchise, lease right or privilege in or to the streets and public thoroughfares of the City of Houston by any person or corporation, if they so request, the Council shall submit the same at an election called for said purpose, the expense of which shall be borne by the applicant for said franchise, and at said election, if the majority of the votes cast by the legally qualified voters shall be in favor of making said grant as applied for, said grant may be made for such a term of years as is specified in the ordinance submitting the same at said election; provided, however, that no grant shall be made or authorized for a longer period than fifty years.

The City Council may also, upon its own motion, submit all applications or ordinances requesting the granting of franchises or special privileges in or to the streets, public thoroughfares and highways of the City of Houston to an election, at which the people shall vote upon the propositions therein submitted, the expense of which election shall be paid by the applicant or applicants therefor. No such franchise shall ever be granted until it has been read in full at three regular meetings of the Council, nor shall any such franchise, grant, right or easement ever be made to any private individual, corporation or association, unless it provides for adequate compensation or consideration therefor, to be paid to the City of Houston, and in addition to any other form of compensation, grantee shall pay annually such a fixed charge as may be prescribed in the franchise. Such grant under and any contract in pursuance thereof shall provide that upon the termination of the grant, the grant, as well as the property, if any, of the grantee, in the streets, avenues and other public places, shall thereupon, without other or further compensation to the grantee, or upon the payment of a fair valuation therefor (the mode of ascertaining which shall be determined in the grant), be and become the property of the City of Houston, and the grantee shall never be entitled to any payment or valuation because of any value derived from the franchise or the fact that it is or may be a going concern, duly installed and operated.

Every such grant shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates, and to maintain the property in good order throughout the life of the grant.

The City Council may also inspect and examine or cause to be inspected and examined at all reasonable hours any books of account of such grantee, which books of account shall be kept and such reports made in accordance with the forms and methods prescribed by the City Council, which, as far as practicable, shall be uniform for all such grantees. (Act of 1905)

Section 18. Referendum.

Whenever application is made to the city council of the City of Houston for any such grant or

franchise, lease or right to use the streets, public highways, thoroughfares or public property of the City of Houston as is provided for in the preceding section of this act, or whenever an ordinance is introduced in the city council proposing to make the grant of any franchise, lease or right to use the public highways, streets, thoroughfares and public property of the City of Houston, such ordinance shall set forth in detail all the rights, powers and privileges granted or proposed to be granted, and notice as to the contents of said ordinance shall be given by publishing in some daily newspaper published in the City of Houston, once a week for three consecutive weeks, a notice which includes the name of each grantee, a description of the nature of the proposed grant, and the location where the entire ordinance may be found, which ordinance may not be changed after the notice is published unless another notice is published in the same manner after such change, which publication or publications shall be made at the expense of the applicant or the person or persons desiring said grant, and no such grant shall be made or ordinance passed until after publication of a notice in the manner aforesaid, nor shall any such ordinance confirming or making any such grant, lease or right to use the streets, public highways and thoroughfares of the City of Houston take effect or become a law or contract, or vest any right in the applicants therefor, until after the expiration of thirty days after said ordinance has been duly passed by the city council and been approved by the mayor.

Pending the passage of any such ordinance or during the time intervening between its final passage and approval by the mayor, and the expiration of the thirty days before which time it shall not take effect, it is hereby made the duty of the city council to order an election if requested so to do by written petition signed by at least five hundred legally qualified voters of said city, at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in detail by the ordinance conferring the rights and privileges upon the applicants therefor, which said ordinance shall be published at length and in full in the call for said election made by the mayor, and if at said election the majority of the votes cast shall be for said ordinance and

the making of said proposed grant, the same shall thereupon become effective; but if a majority of the votes cast at said election so held shall be against the passage of said ordinance and the making of said grant, said ordinance shall not pass, nor shall it confer any rights, powers or privileges of any kind whatever upon the applicants therefor, and it shall be the duty of the city council, after canvassing the vote of said election, to pass an ordinance repealing the ordinance which has been by it passed, if the same has been passed.

No grant of franchise, or lease or right of user, in, upon, along, through, under or over the public streets, highways or public thoroughfares of the City of Houston shall be made or given nor shall any rights of any kind whatever be conferred upon any person, private corporation, individual or association of any kind whatever, except the same be made by ordinance duly passed by the city council, nor shall any extension or enlargement of any rights or powers previously granted to any corporation, person or association of persons, in, upon, along, through, under or over the streets of the City of Houston be made, except in the manner and subject to all of the conditions herein provided for in this act for the making of original grants and franchises; provided, however, that the provisions of this section shall not apply to the granting of sidetrack or switch privileges to railway companies for the purpose of reaching, and affording railway connection and switch privileges to the owners or users of any industrial plants; it being the intention to permit the city council to grant such rights of privileges to railway companies whenever in their judgment the same is expedient, necessary or advisable. (Act of 1905; amended August 14, 1982)

Sec. 19. Contracts.

No contract shall ever be made which binds the City to pay for personal services to be rendered for any stated period of time; but all contracts involving a personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the city.

Nor shall the City of Houston or any one acting for it make any contract for supplies for the current use of any department of the municipality for a longer period than twelve months, unless the council approves a longer period of time not exceeding five years for a specific contract by motion, resolution or ordinance adopted by a vote of at least two-thirds of the Council Members present and voting.

No contract shall be entered into until after an appropriation has been made therefor, nor in excess of the amount appropriated, and no contract shall be binding upon the city unless it has been signed by the mayor and countersigned by the controller, and the expense thereof charged to the proper appropriation, and whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be countersigned by the controller.

In every instance required by state law, contracts shall be submitted for competitive bidding prior to being entered into by the City. Procedures for such competitive bidding shall be prescribed by the council, but the procedures must be in accordance with state law. (Act of 1905; amended January 27, 1968, August 14, 1982)

Sec. 19a. Certificate of controller prerequisite to ordinance, etc., appropriating money.

No contract, agreement or other obligation involving the expenditure of money in excess of the limitation amount determined as provided in this paragraph, below, shall be ordered, authorized, entered into, or executed by any officer of the city unless same be, by authority of ordinance, resolution or motion, nor shall any ordinance, for the appropriation of money, or any ordinance, resolution or motion for the making of any contract, agreement or other obligation requiring the expenditure of money, be passed by the council unless the controller first certify to the council, that the money required for such contract, agreement, obligation or expenditure is in the treasury, and not appropriated for any other purpose, or that the funds will be received into the treasury and be available before the maturity of said obligation, and that the said funds anticipated

have not been already appropriated for any other purpose, which certificate shall be filed and immediately recorded. The limitation amount referred to above shall be equal to the maximum dollar amount of an expenditure that the City is generally allowed to make without taking competitive bids for contracts under state law, as amended from time to time.

If moneys be not actually in the treasury to the credit of the fund from which it is to be drawn, but will be received into the treasury before the maturity of the obligation, the controller shall not certify that the funds will be available unless the moneys are to be derived from lawfully authorized bonds sold and in process of delivery or that the funds are anticipated to be derived from current or general revenues such as from taxes or assessments, or from sales of services, products or by-products, or from any undertakings, fee charges, accounts and bills receivable, or for other items in process of collection, and will be available before maturity of the obligation; and he shall show from what source the funds will be derived, and if the amount anticipated is to come from the general revenues of the city, he shall certify further that the amount including the aggregate of amounts previously certified or anticipated either by budget or appropriation, will not exceed the revenues levied or assessed for the fiscal year.

Any sum certified by the controller shall not thereafter be considered as unappropriated or subject to reappropriation until the city is discharged from the contract, agreement or obligation. (Added by amendment October 15, 1913; amended August 14, 1982, November 2, 1999)

Sec. 20. Pension plans.

The City Council shall provide a plan for the payment of pensions to City Policemen, Police Alarm Operators, City Firemen and Fire Alarm Operators, and such other groups of City employees as the City Council and/or the legislature, from time to time, may authorize; and, beginning with the fiscal year 1934, appropriate funds in aid thereof. (Added by amendment January 28, 1933)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1933 Charter Election.

Note—The title of this article was added by the editor; it was not titled in the 1905 Special Act or any of the subsequent amendments.

Section 21. METRO rail system projects.

City Council shall not hereafter grant any permission, consent, or authorization required by the Metropolitan Transit Authority of Harris County (METRO) in connection with the construction, maintenance, or operation of all or part of a rail system unless METRO previously has conducted an election at which a majority of the METRO voters who participated in the election approved construction of the rail system. Such City permission, consent, or authorization shall not be subject to any election under this Charter. The construction, maintenance, or operation of the rail system project described in Ordinance 2000-1028 shall not be subject to any election by the City or METRO under this section or any other section of this Charter.

(Added by amendment November 6, 2001)

Section 22. Denial of benefits to same sex partners and related matters.

Except as required by State or Federal law, the City of Houston shall not provide employment benefits, including health care, to persons other than employees, their legal spouses and dependent children; nor shall the City provide any privilege in promotion, hiring, or contracting to a person or group on the basis of sexual preference, either by a vote of the city council or an executive order by the Mayor. Further, the City of Houston shall not require entities doing business with the City to have any of the above benefits or policies.

If any portion of this proposed Charter amendment is declared unlawful, then such portion shall be removed and the remainder of the Charter amendment will remain in effect. Any ordinance in conflict with this section of the Charter is hereby repealed and declared invalid.

(Added by amendment November 6, 2001)

Note—This section was submitted by a voter petition that did not specify a title, article or section number. The title was added by the editor, and the section was designated as Section 22 by the editor.

ARTICLE III. TAXES AND TAXATION***Section 1. Taxation.**

The City Council is authorized to levy annually for general purposes, excluding debt service as defined below, an ad valorem tax of not exceeding one-half of one percent ($\frac{1}{2}$ of 1%) of the assessed valuation of taxable property on the City's tax rolls. In addition, the City Council is authorized to levy annually an ad valorem tax in an amount sufficient to pay debt service. "Debt service" is defined as that amount necessary for the following: (i) to pay the principal, interest and any premium, at maturity or redemption, on indebtedness heretofore or hereafter issued or assumed by the City which is payable in whole or in part from ad valorem taxes; (ii) to pay the sinking and reserve fund payments in respect of such indebtedness; (iii) to fulfill agreements in connection with such indebtedness; (iv) to pay contractual obligations heretofore incurred or assumed by the City which provide security for evidences of indebtedness issued on behalf of the City; (v) to pay contractual obligations payable in whole or in part from ad valorem taxes heretofore assumed by the City in connection with any annexation; and (vi) to comply with covenants to levy taxes made in connection with revenue bonds heretofore issued or revenue bonds hereafter issued on a parity therewith (including covenants to levy ad valorem taxes to pay operation and maintenance expenses of enterprise operations). All City ad valorem tax assessments shall be based on one hundred percent (100%) of market value. The gross total ad valorem tax levied for all purposes

***Note**—At the November 2, 1999, Charter Election, the public authorized Proposition 2, which amended this article to read as set forth herein. The amendment retained and consolidated into two sections those portions of the prior lengthy article that appeared to still have any validity. The amendment included the following savings clause:

The provisions of the foregoing amendment of Article III of the Charter of the City of Houston shall not be construed to affect the validity of any tax assessed or levied or other action taken under Article III prior to its amendment hereunder, and the former provisions are saved from repeal for the limited purpose of the enforcement of taxes and other rights and obligations created or assessed under Article III prior to its amendment hereunder.

by the City Council for any one year shall not exceed two percent (2%) of the assessed valuation of taxable property on the City's tax rolls.

If for any cause the City Council shall fail or neglect to pass a tax ordinance for any one year, levying taxes for that year, then, in that event, the tax levying ordinance last passed shall and will be considered in force and effect as the tax levying ordinance for the year for which the City Council failed to pass a tax levying ordinance, and the failure so to pass such ordinance for any one year shall in no wise invalidate the collection of the tax for that year. (Act of 1905; amended October 15, 1913, August 14, 1982, November 2, 1999)

Section 2. Compromise of Taxes; Payment of Obligations by City Officers and Employees.

In no case shall the City Council or any member of the City Council, or any other officer of the City of Houston extend the time for the payment of the taxes, nor shall any officer of the City remit, discount, or compromise any tax legally due the City, nor shall any person hold any position, office or employment who is in arrears, or due and owing to the City any sum of money for taxes or otherwise. (Act of 1905; amended November 2, 1999)

ARTICLE IV. POWER AS TO BONDS, BUFFALO BAYOU, SIDEWALKS, STATE AGENCY, STREETCAR EQUIPMENT*

Section 1. Authority To Issue Bonds.

The City Council shall have the power and authority by ordinance duly passed, if it so elects, to borrow money on the credit of the City for permanent improvements, to an amount not to exceed one hundred thousand dollars (\$100,000) in any one year, and may issue bonds of the City therefor. It may also have the power, and is hereby expressly authorized, to issue bonds for the purpose of refunding bonds of the City of

*Note—The title of this article was added by the editor; it was not titled in the 1905 Special Act or any of the subsequent amendments.

previous issues; provided, the bonds may be re-funded at a lower rate of interest than the bonds proposed to be retired draw.

No bonds shall be issued for any purpose, except for the purpose of making permanent improvements, which shall not exceed one hundred thousand dollars (\$100,000) in any one year, and for the purpose of re-funding bonds of the City of previous issues, unless an election be duly ordered by the Mayor and City Council, and if at said election a majority of the vote polled shall be in favor of creating such debt, it shall be lawful for the City Council to make the issuance of bonds as proposed in the ordinance submitting the same at the election so held, but if a majority of the vote polled shall be against the creating of such debt, it shall be unlawful for the City Council to issue the bonds.

In all elections to determine the expenditure of money for the assumption of debt, only those shall be qualified to vote who pay taxes on property in said City, and are legally qualified voters in said City of Houston; provided, that no poll tax for the payment of debts thus incurred shall be levied upon the persons debarred from voting in relation thereto.

No bonds shall be issued drawing more than five percent. interest per annum, and they shall be invalid if sold for less than par and accrued interest, and all bonds shall express upon their face the purpose for which they are issued.

The ordinance authorizing any bonds to be issued shall provide for the creation of a sinking fund sufficient to pay the bonds at maturity, and make provisions for the payment of the interest thereon as it matures, and said sinking fund shall be invested in bonds of the State of Texas, or in the bonds issued by Counties in the State of Texas, or in bonds of the United States, or such funds may be used for the purchase of the bonds of the City of Houston which are not yet due, and neither interest nor sinking fund shall be devoted to any other purpose whatsoever.

Any officer of the City who shall willfully or knowingly direct or use said fund for any other purpose except that for which the fund is created, or herein expressly authorized to be invested,

shall be deemed guilty of a felony, and subject to prosecution as provided under the general laws of the State for the diversion and conversion of funds belonging to any of the municipalities of said State. (Act of 1905)

Section. 1-a. Investment of Sinking Funds.

In addition to the bonds in which by Section 1 of Article IV the City of Houston is authorized to invest its sinking fund the City of Houston is authorized and it shall have the power to invest its sinking funds in bonds of any school, navigation, road, drainage or other improvement district in any counties of the State of Texas or subdivision thereof, or in the bonds of any city in the State of Texas, provided said bonds shall have been duly approved by the Attorney General of the State of Texas and registered by the comptroller as valid and enforceable [sic] obligations. (Added by amendment December 28, 1915)

Sec. 2. Bayou.

Power is hereby given to the City Council of the City of Houston to secure land between Houston and Harrisburg, along the banks of Buffalo Bayou, by purchase, condemnation or by gift, for the improvement of Buffalo Bayou by the United States, or by the City of Houston, and for this purpose it may by ordinance extend the corporate limits of said City from its present eastern limits eastwardly in a general direction with Buffalo Bayou from bank to bank as same is now constructed, or exists, or as same may be ordered constructed by the Government engineers in charge of said work; provided, that the City shall have no right to tax the property over which such boundaries are so extended, unless such property be within the line and within the limits of the general City boundaries or limits.

To effect a condemnation, the same proceedings shall be taken and the same statutes shall govern so far as applicable, or obtain and apply to the condemnation of lands by railway companies under the general statutes of the State of Texas. (Act of 1905)

Sec. 3. Fees.

Within its corporate limits the City of Houston shall be the local agent of the State Government for the enforcement of the State laws, in all cases wherein the corporation court of the City of Houston has jurisdiction, and all fines or penalties imposed by said court, including all costs incident thereto and assessed against the parties so fined, are by this Act declared to be due and owing to, and shall be payable to the City of Houston, and in all cases where fees are allowed the officers making the arrest, or the attorneys prosecuting said causes in said corporation court, said fees shall be payable to, and shall hereby become due and owing to the City of Houston.

And the City of Houston shall by ordinance prescribe that no officer or employe in the service of the City of Houston shall recover any fees, rewards or perquisites accruing from any service performed in any manner whatsoever, whether authorized by the general laws of the State or otherwise, but in addition may prescribe by ordinance that said fees, which may be collectible by said officers under the State law, shall become the property of, and shall be payable to the City of Houston, and a failure on the part of any officer or employe to collect said fees when collectible, and to pay the same over to the City of Houston, shall be deemed a malfeasance in office, and said officer shall be removed. (Act of 1905)

Sections 4 and 4-a. Repealed.

Note—These sections, which related to construction and laying of sidewalks and special assessments, certificates, errors, and limitations relating to street improvements, were repealed by the voters at the November 2, 1999, Charter Election. The repealer included the following savings clause:

This repealer shall not be construed to affect the validity of any action taken or right or obligation created or assumed under the said provisions prior to their repeal, and the said provisions are saved from repeal for the limited purpose of the continued enforcement of rights and obligations that arose thereunder prior to their repeal.

Sec. 5. Vestibule Cars.

The City Council may by ordinance duly passed require any street car company operating its lines or cars within or into the City of Houston, to equip

its cars with vestibules of such pattern and style, and during such period of the year, as may be prescribed by ordinance.

The City shall also have the right and power by ordinance duly passed, to require any street railway company operating its cars or lines within the limits of the City of Houston to equip its cars with fenders of such style, design or pattern as may be prescribed by the City Council, and to run closed cars in the months of December, January and February of each year. (Act of 1905)

ARTICLE IVa. STREET IMPROVEMENTS Repealed.*

ARTICLE IVb. STREET IMPROVEMENTS—INCORPORATION OF STATE LAW†

Section 1. Adoption of certain state law.

The terms, powers and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, relating to street improvements and assessments therefor, and being Chapter 106 of the General and Special Laws of said Session, are hereby adopted, embraced in and made a part of the Charter of the City of Houston, and such powers, terms and provisions shall exist, be in force, and may be exercised by the governing body of the City of Houston as alternative to and independent of other powers, terms and provisions of the charter of the City of Houston, with amendments thereto,

***Note**—This article, which related to the assessment of abutting property owners for street improvements, was repealed by the voters at the November 2, 1999, Charter Election. The repealer included the following savings clause:

This repealer shall not be construed to affect the validity of any action taken or right or obligation created or assumed under the said provisions prior to their repeal, and the said provisions are saved from repeal for the limited purpose of the continued enforcement of rights and obligations that arose thereunder prior to their repeal.

†Note—The title of this article was added by the editor; it was not titled in the Ordinance calling the 1933 Charter Election.

and which in anywise relate to the same subject matter. (Added by amendment January 28, 1933)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1933 Charter Election.

Section 2. Intention of Article.

It is the intention hereof to write into and make a part of the charter of the City of Houston the terms, powers and provisions of said Act, as fully as if same were set forth herein in full, and the governing body of the City of Houston may proceed either under the terms, powers and provisions of the heretofore existing charter, with amendments, of the City, or under the terms, powers and provisions of said Act. (Added by amendment January 28, 1933)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1933 Charter Election.

ARTICLE V. OFFICERS AND ELECTIONS‡

Sec. 1. Governing Body.

The governing body of the City of Houston, Texas, shall be the City Council. The City Council shall be composed of the Mayor and the number of Council Members hereinafter prescribed. (Added by amendment August 15, 1942; amended May 29, 1951, August 11, 1979)

Sec. 2. Council Members.

For terms of office for Council Members commencing in 1980, and continuing until such time as the number of Council Members is increased as provided below, there shall be fourteen Council Members designated as follows:

District Council Members

Council Member, District A

Council Member, District B

Council Member, District C

‡Note—The history of individual sections of this article is difficult to accurately state by section number because it has been substantially rewritten on several occasions. Many of these revisions retained language from prior iterations, but transferred the language from one section to another.

Council Member, District D
 Council Member, District E
 Council Member, District F
 Council Member, District G
 Council Member, District H
 Council Member, District I

At-Large Council Members

Council Member, At-Large Position 1
 Council Member, At-Large Position 2
 Council Member, At-Large Position 3
 Council Member, At-Large Position 4
 Council Member, At-Large Position 5

If, upon any determination of the population of the City pursuant to this Charter, such population is determined to be 2,100,000 persons or more, then the number of Council Members for the regular terms next commencing and continuing thereafter shall increase from fourteen to sixteen. The two additional members shall be District Council Members designated as follows:

Council Member, District J
 Council Member, District K

The number of Council Members shall not be decreased, notwithstanding any decrease in population.

All references in this Charter to "Councilmen," "Commissioners" or "Aldermen" shall be construed to be references to "Council Members," and all references in this Charter to a "Councilman" shall be construed to be references to a "Council Member." The "members" of the City Council shall include the Mayor and all Council Members, each of whom shall be a "member" thereof. (Added by amendment August 11, 1979)

Sec. 3. Establishment of District Boundaries; Determinations of Population.

It shall be the duty of the City Council to establish the boundaries of districts covering the entire City for the purpose of electing District Council Members. Such boundaries shall be established by ordinance, which shall be final for

purposes of this Charter. The first such establishment shall be made as soon as practicable prior to the first City General Election following adoption of this section. Any subsequent establishment shall be made when required by this Charter.

Promptly following the addition of territory to the City by a boundary change, the City Council shall, by ordinance, add such territory to an adjacent district or districts.

In each year during which a City General Election is to be held, the City Council shall conduct an investigation and determine the population of the City and the population of each of the districts from which District Council Members are to be elected. Each such determination shall be based upon the best available data, including, but not limited to, the most recent federal census. Each such determination shall be expressed in a ordinance, which shall be a final determination for purposes of this Charter.

After any such determination, if the distribution of population among the various districts is determined by the City Council to be materially unbalanced, or if the number of Council Members increases from fourteen to sixteen, then the City Council shall establish new boundaries for the election of District Council Members. (Added by amendment August 11, 1979)

Section 4. Qualifications for Elected Officers.

To serve as Mayor, City Controller or Council Member, a person must be a qualified voter and resident of the City; additionally, a District Council Member must reside in the City Council District from which the member was elected at all times during the member's term of office. To file for office as Mayor, City Controller or At-Large Council Member, a person must be a qualified voter of the City who has resided in the City for 12 months immediately preceding the election day. To file for office as a District Council Member, a person must be a qualified voter of the City who has resided in the territory encompassed by the City Council District to be served for 12 months immediately preceding the election day. As provided by applicable state law, residence in areas annexed into the City shall be considered as

residence in the City for purposes of this section. The City Council shall be the judge of the election and qualifications of Council Members, subject to review by the courts in case of contest. (Added by amendment August 11, 1979, November 2, 1999)

Sec. 5. Elections.

A City General Election shall be held on the first Tuesday after the first Monday in November of every odd-numbered year or such other day as may be prescribed by the general laws of the State of Texas. At each City General Election, the Mayor, the Council Members and the City Controller shall be elected for the terms of office next commencing. Such officers shall assume their offices on the second day of January next thereafter, shall perform the duties and discharge the obligations conferred and imposed by the provisions of this Charter, and shall hold their offices for two years and until their successors are elected and qualified, unless removed therefrom by impeachment or recall or otherwise as prescribed in this Charter.

The Mayor, the City Controller and the At-Large Council Members shall be elected by the qualified voters of the entire City. Each District Council Member shall be elected by the qualified voters of each respective district. The Mayor, the City Controller and the Council Members shall constitute all of the elected officers of the City, and all other officers shall be appointed in the manner prescribed by this Charter. (Added by amendment August 11, 1979)

Section 6. Candidates and Filing for Office.

All candidates shall file for office as herein after provided.

Any person duly qualified therefor may file as a candidate for any office herein referred to without other formality than filing his sworn application with the Mayor at least thirty (30) days prior to the election day and by paying the filing fee hereinafter provided. His application shall designate the office for which he desires to be a candidate, shall state the place of his residence in the City of Houston, and shall state the number of consecutive years next immediately before the date of his filing that he has resided in the City of

Houston, and in those instances in which the ownership of real estate in the City of Houston for a certain period of years is a qualification to the office which he seeks, he shall state the fact that he has been a bona fide owner of real estate in the City for the required period of time. Such application shall be signed and sworn to by the person desiring to become a candidate. Such application shall not be considered filed unless it is physically filed in the Mayor's office before midnight of the last day for filing; and his office shall remain open until midnight that day to permit the same.

Such application shall be accompanied by a filing fee which is hereby fixed and established in the following amounts, to-wit: Each candidate for Mayor shall pay a filing fee of \$1,250.00. Each candidate for City Controller shall pay a filing fee of \$750.00, and each candidate for Councilman shall pay a filing fee of \$500.00. Such payment shall be in cash or by cashier's or certified check to the order of the City of Houston; and the Mayor will not accept the application of any candidate which is not accompanied by the required filing fee. Such filing fees shall be for the use and benefit of the City of Houston and no part thereof shall ever be returned to any candidate.

As soon as practicable after the time for filing has elapsed, the order in which the names of the various candidates shall be printed and appear on the official ballot shall be determined by a drawing for positions at which all candidates or persons representing them may be present and which shall be conducted by or under the direction of the City Secretary in such manner as is designed to assure that nothing except chance shall determine the order in which the candidates' names for each position appear on the official ballot. (Added by amendment May 29, 1951)

Section 6a. Limitation of terms.

No person, who has already served two full terms, shall be eligible to file for that same office. (Added by amendment November 5, 1991)

Section 7. Provisions for City General Election.

In all matters not covered by this Charter or by the general law of the State of Texas, the City

Council shall by ordinance make provisions relating to the holding of the City General Election and all matters relating thereto. (Added by amendment May 29, 1951)

Section 8. Run-off election, ticket declaration.

(a) The successful candidate for any office must receive a majority of the votes cast in the election for his office and if no candidate for a particular office receives a majority, a run-off election must be held as provided by the Texas Election Code, Acts 1951, 52nd Legislature, page 1097, Chapter 492, Article 81.

(b) Any group of candidates for Mayor and Council Members who have duly filed for office as provided in Section 6 hereof, comprising not more than one candidate for each of the offices, may file a declaration in writing with the City Secretary stating that they have associated themselves as a ticket for the purpose of presenting to the electors their qualifications for office and their political aims, which declaration may be filed at any time after all have filed for office but not later than five o'clock P.M. (local time) of the second day next following the last day for filing for office. They shall state in the said declaration the name of their ticket which shall not exceed four words in length and which ticket name shall not use all or any part of the name of any political party which nominated candidates for State office in the State General Election last preceding, or any part of the name of any ticket previously declared by another group of candidates. No candidate shall join in the ticket declaration of more than one ticket, and after a ticket declaration is filed, no candidate's name may be withdrawn from the ticket unless the candidate withdraws his application to be candidate at the election. The City Secretary shall cause the official ballot to be printed with the names of all candidates associated in a ticket declaration shown under a column headed by the ticket name.

If a ticket declaration is attempted to be filed which uses all or any part of the name of any political party which nominated candidates for State office in the State General Election next preceding, or which uses all or any part of the

ticket name of any ticket which has a declaration previously filed, the City Secretary shall reject the defective declaration as void.

The applicable provisions of the general laws of the state shall govern and control any nomination of candidates by any political party or parties. The provisions of this section are provisions for the voluntary association of candidates upon tickets to present to the electors their qualifications for office and their political aims, and these provisions are not intended to and do not affect the nomination of candidates for office by political parties as prescribed and regulated by the state general law. (Added by amendment August 16, 1955; amended August 11, 1979)

Note—The title of this section was added by the editor; it was not titled in the Ordinances calling the 1955 Charter Election or the 1979 Charter Election.

Section 9. Appointive Officers.

Compensation of all officers, except where provided in the Charter, shall be fixed by the City Council which may increase or diminish the same at will, or abolish entirely at any time any office established by the Council and not created expressly by the Charter. No officer whose office is created by ordinance shall hold the same for any fixed term, but shall always be subject to removal by the proper authority of the City as provided in the Charter. (Added by amendment May 29, 1951)

Section 10. Number of Signatures on Recall, Initiative and Referendum Petitions.

The number of signatures required for the petitions provided for in Articles VIIa and VIIb of this Charter shall be calculated upon the greatest total vote cast for Mayor at any City Primary or City General Election held within the three years next preceding the date of the filing of such petition. (Added by amendment May 29, 1951)

Section. 11. Action of Council Creating Liability after City General Elections Prohibited [sic].

(a) From and after any City General Election for the election of Mayor and Councilmen and until those elected at such election shall have

qualified, if a majority of the City Council be not re-elected, it shall be unlawful for the then existing City Council to pass any ordinance, resolution or motion whereby any appropriation of money is made, or any obligation or contract on the part of the City is sought to be created; or any franchise or privilege is granted, or attempted to be conferred; and any such ordinance, resolution or motion, or any action of the City Council in the creation of any obligation, or the grant, or attempted grant, of any franchise by such Council shall be illegal, unauthorized and void, and of no effect; provided, nothing herein shall prevent the City Council from making any such appropriation and obligation on the part of the City, or granting any such franchise, if a majority of said Council is reelected; and, provided further, that nothing herein shall prevent the City Council of the City of Houston from making the necessary financial arrangements for paying the current salaries of the City officials and current expenses of the City Government; provided, that the prohibitions hereof shall be suspended in case of a public calamity.

(b) Section 9a of Article VII of the existing Charter of the City of Houston is hereby repealed. (Added by amendment May 29, 1951)

Section 12. Saving Clause.

If any section, sub-section, clause, sentence or phrase of this article is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remainder of this article.

This amendment shall become effective upon the entry upon the records of the City of an official order by the City Council declaring the same adopted. (Added by amendment May 29, 1951)

Sec. 13. Continuation in effect of provisions of Charter.

The duties and powers of the Mayor as presently prescribed, set out and defined in existing Article VI of the Charter and in other provisions of the existing Charter shall be and remain in full force and effect, unaltered and unchanged.

The duties, power and compensation of the Councilmen as presently prescribed, set out and

defined in existing Article VI and in existing Article VII and in other provisions of the Charter shall be and remain in full force and effect, unaltered and unchanged; and the said Councilmen shall continue to exercise legislative authority only as now prescribed, and the Mayor shall continue as a member and presiding officer of the Council as now prescribed.

The present provisions of the Charter relating to any City department, office, commission or board; the present provisions for elections; the present provisions for Council procedures and rules; the present provisions for initiative, referendum and recall; and any and all present provisions relating to elective officers and appointive officers, their powers and duties, and restrictions on their powers and duties shall all remain as they presently read without any amendment or addition of any sort, unless amended or repealed by this very amendment. (Added by amendment August 16, 1955)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1955 Charter Election.

Sec. 14. Purpose and effect of Article.

This Article V, as presently amended, is proposed and designed to accomplish an overall plan for the improvement of the government of the City of Houston. To this end, this amendment changes methods of election of members of the Council; permits groups of candidates to associate themselves under ticket designations; confirms the respective present powers and duties of the Mayor and City Councilmen as presently prescribed; and provides that all present provisions of the Charter, relating to elective officers and appointive officers, their powers and duties, the method of their election or appointment, the Council procedure and rules, and the provisions for initiative, referendum and recall shall remain as they presently read without any amendment or addition of any sort unless amended or repealed by this very amendment.

Any provision of any amendment submitted to election at the same election at which this amendment is adopted, in conflict with the terms of this amendment, shall be subject to the terms of Section 19, Article IX of the existing Charter; and

this provision shall be liberally construed to the end that no changes in the Charter shall be adopted not encompassed within the plan of this amendment. (Added by amendment August 16, 1955)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1955 Charter Election.

ARTICLE V-a. CIVIL SERVICE.

Sec. 1. Creation of Commission.

There is hereby established a Civil Service Commission, which shall consist of three persons of good moral character, resident citizens of the city who shall have resided therein for a period of more than three years, shall each be over the age of twenty-five years, and shall not have held any public office within the three years preceding his appointment. The term of office of each member of such commission shall be for three years, or until a successor is appointed, confirmed and qualified. The terms of office shall be so staggered that one of the terms expires on the same date in each year. Members of such commission shall be appointed by the Mayor and confirmed by the City Council, and they shall serve without compensation. Any vacancies in such commission caused by death, resignation or otherwise, or by failure of any appointee to qualify within ten days after appointment, shall be filled in the manner above specified for the unexpired term of the retiring member or of the appointee failing to qualify. (Added by amendment October 15, 1913; amended January 27, 1968)

Sec. 2. Rules and powers of commission.

The civil service commission, with the approval of the city council, shall make such rules and regulations for the proper conduct of its business as it shall find necessary and expedient; but all rules made by the commission may be changed or amended by the city council; provided, that no rules or regulations shall ever be adopted which will permit the appointment or employment of persons without good character or unfit and incompetent to discharge the duties thereof or prevent the removal or discharge of any appointee or

employee for want of fitness, moral character, or competency, or the failure or refusal to properly discharge the duties of his appointment or employment.

The civil service commission among other things, shall provide for the classification of all employees eligible to civil service hereunder upon the successful completion of their probationary period as applicable. All employees are eligible to classification under the civil service system created by this article unless an employee is placed by operation of the general laws of the state in a different civil service system or unless an employee is excepted from eligibility to the civil service system by or pursuant to the provisions of this section.

The following described categories of employees are excepted from eligibility to civil service classification:

- (a) Appointive officials, that is, those employees and officials who are required or authorized to be appointed by the mayor and whose appointment is subject to the confirmation of city council including, but not limited to, all of the department heads of the various city departments;
- (b) Assistant city attorneys and all professional non-clerical staff of the legal department;
- (c) Part-time employees, that is, those employees who work less than the regular work week prescribed for city employees;
- (d) Temporary employees, that is, those employees who are retained for seasonal work, work of fixed duration or other work which does not have a reasonable expectancy to continue indefinitely;
- (e) Emergency employees, that is, those employees who are hired on an extraordinary basis for the duration of and as a result of an emergency situation which may result in loss of public property or serious inconvenience to the public; and
- (f) Executive level employees, that is, those employees whose duties require them to determine and publicly advocate substan-

tive program policy, to provide legal counsel, or to maintain a direct, confidential relationship with an appointive official of the City, as that term is used in this section or with an elected officer of the City. No position may be designated as an executive level employee position for purposes of this section except by ordinance adopted by city council. The total number of positions of employment designated as executive level employee positions for purposes of this section may not at any time exceed a number equal to two percent of the total number of all the employees of the City, whether eligible to civil service classification under this article or not.

The civil service commission shall also make provision for open, competitive and free examination as to the fitness in regard to classified services, for an eligibility list from which vacancies shall be filled, for a probationary period of not less than 12 months which appointees shall serve before they receive classified status and for promotion on the basis of merit, experience and record with probationary service of promoted employees prior to permanent classification in their new positions.

The city council may by ordinance confer upon the commission such further and additional rights and duties as may be deemed necessary to enforce and carry out the principles of this article.

Neither the adoption of this section as amended, nor any ordinance adopted by city council from time to time hereunder, which may designate any position formerly subject to civil service classification as not thereafter being eligible thereto shall be construed to divest any incumbent thereof of any vested right.

Laborers who may on the effective date of this amendment be employed by the City shall be eligible to receive classified status upon service of the probationary period for appointees; such probationary period for laborers shall commence on the effective date of this amendment. (Added by amendment October 15, 1913; amended August 14, 1982)

Sec. 3. Removal of employees.

Any employee may be suspended by the head of the department under which he is employed, and thereupon his salary shall cease. The officer making the order of suspension shall forthwith file with the civil service commission a statement of the suspension and his reasons therefor. Within ten days after such suspension the employee so suspended may, if he desires, file an appeal with the civil service commission which shall hold a hearing and render a decision in writing within thirty days after it receives the appeal as to whether the employee shall be permanently dismissed from the service of the city, or reinstated in his employment. All such hearings shall be public; the decision of the commission shall be final. In order for an employee to file an appeal as hereinbefore provided it shall only be necessary for him to file a written statement showing in what department he was employed, when and for what he was suspended and a statement by him denying the truth of the matters charged in the statement of the officer so suspending him, and that he desires an appeal from the decision of said officer suspending him, which statement of appeal shall be signed and sworn to by the employee so suspended. In all hearings on appeal from the order of suspension to the civil service commission, the judgment of the officer suspending the employee shall be presumed to be correct; the burden of disproving the charges made against the employee that resulted in his removal shall be upon the employee. (Added by amendment October 15, 1913; amended August 14, 1982)

Sec. 4. Commission rules and regulations.

The civil service commission, with the approval of the city council, shall have power at all times to make proper rules and regulations for the government of the employees under civil service, and when any such rules and regulations have been made it shall cause such rules to be published in such manner as the city council may, from time to time, direct; provided, that no rules and regulations shall ever be adopted which will permit the appointment or employment of any person without good character, or unfit and incompetent, or to prevent the removal or discharge of any appointee or employee for want of fitness, moral character

or the failure or refusal to properly discharge the duties of his appointment or employment. Without limitation, the rules and regulations of the civil service commission shall include such provisions as may be necessary to prohibit discrimination in employment, appointment or promotion because of sex, race, color, creed or national origin. (Added by amendment October 15, 1913; amended December 28, 1915, August 14, 1982)

Section 5. Continuation in effect of other rules and regulations.

That as to all employees, officers and appointees not under civil service the provisions of the present Charter shall remain in full force as to such appointment, removal salary, services and duties, unless amended at this or some other subsequent election. (Added by amendment October 15, 1913)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1913 Charter Election.

ARTICLE VI. THE MAYOR

Section 1. Office Created.

There is hereby established the office of Mayor of the City of Houston. (Added by amendment August 15, 1942, November 2, 1999)

Section 2. Mayor Pro Tem.

At the first regular meeting of the City Council after the induction of the newly elected Mayor and Councilmen in office, the Mayor shall nominate, subject to confirmation by the City Council, one of the Councilmen who shall be known and designated as "Mayor Pro Tem," and shall continue to hold the title and the office until the expiration of the term of office for which he was elected as councilman, but shall receive no extra pay by reason of being or acting Mayor Pro Tem. (Added by amendment August 15, 1942)

Section 3. Disability of the Mayor.

If for any reason the Mayor is absent from the City, sick or unable to perform the duties of his office, the Mayor Pro Tem shall act as Mayor, and

during such absence or disability shall possess all of the powers and perform all of the duties of the Mayor. (Added by amendment August 15, 1942)

Section 4. Vacancy.

In case of the death, resignation or permanent disability of the Mayor, or whenever a vacancy in the office of Mayor shall occur for any reason, the Mayor Pro Tem shall act as Mayor, and shall possess all of the rights and powers of the Mayor and perform all of his duties, under the official title, however, of "Mayor Pro Tem" until an election is ordered by the City Council to fill the vacancy in the office of Mayor, shall be called by the City Council and held within thirty days after the vacancy occurred and notice by publication given for at least twenty days, as may be required by law. (Added by amendment August 15, 1942)

Section 5. Removal of the Mayor.

In case of misconduct, inability or wilful neglect in the performance of the duties of his office, the Mayor may be removed from office by the City Council by vote of two-thirds of all the Councilmen elected, but shall be given an opportunity to be heard in his defense, and shall have the right to have process issued to compel the attendance of witnesses, who shall be required to give testimony, if he so elects. The hearing, in case of impeachment of the Mayor, shall be public and a full and complete statement of the reasons for such removal, if he be removed, together with the findings of facts as made by the Council, shall be filed by the City Council in the public archives of the city, and shall become and be a matter of public record.

Pending the charge of impeachment against the Mayor, the City Council may suspend him from office for a period of not exceeding thirty days by a vote of two-thirds of the Councilmen elected, and if upon final hearing the conclusions and findings of the City Council are that the Mayor be impeached and removed from office, such findings shall be final. (Added by amendment August 15, 1942)

Section 6. Signature of Ordinances.

Every ordinance, resolution or motion of the City Council shall, before it takes effect, be presented to the Mayor for his approval and signature. If the Mayor shall fail to sign any ordinance, resolution or motion within five days after adoption, it shall nevertheless be in full force and effect as if he had signed the same. The Mayor shall at all times preside over all meetings of the City Council and shall on all occasions be privileged to vote. He shall not have the right and privilege of veto. (Added by amendment August 15, 1942)

Section 7. General Powers of the Mayor.

The Mayor shall have and exercise such powers, prerogatives and authority, acting independently of or in concert with the City Council, as are conferred by the provisions of this Article or as may be conferred upon him by the City Council, not inconsistent with the general purposes and provisions of this charter, and shall have the power to administer oaths. Subject to the confirmation of the Council, he shall have the power to appoint all advisory boards created by the Charter or ordinance. The Mayor shall appoint, subject to confirmation of the City Council, the Civil Service Commissioners as is provided in Article Va of the existing Charter. (Added by amendment August 15, 1942)

Section 7a. ADDITIONAL POWERS AND DUTIES OF THE MAYOR.

All the administrative work of the city government shall be under the control of the Mayor, and he shall devote his full time to the duties of his office. Any and all administrative duties conferred or imposed upon the City Manager by any article or articles, or section or sections of such article or articles of the Charter which was not amended or repealed at the Charter Amendment Election of 1947 shall hereafter be exercised and performed by the Mayor. Among others, the powers and duties of the Mayor shall be as follows:

1. To see that all laws and ordinances are enforced.

2. The Mayor shall have power to appoint, subject to confirmation by the City Council, such heads of departments in the administrative service of the City as may be created by ordinance, and the Mayor shall have the power to remove such heads of departments at any time he shall see fit without confirmation by the City Council. The Mayor shall also have the power to appoint and remove all other employees of the City, such appointments and removals to be subject, however, to the civil service provisions of the Charter.
3. To exercise administrative control over all departments of the City.
4. It shall be the duty of the Mayor from time to time to make such recommendations to the Council as he may deem to be for the welfare of the City, and each year to submit to the Council the annual budget of the current expenses of the City in accordance with the requirements of the State Budget Law applicable to cities and towns.
5. To keep the Council at all times fully advised as to the financial condition and needs of the City.

The Council shall have authority to prescribe, by ordinance, rules and regulations governing the operation of each department, but the Mayor may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative department, the heads of which are responsible to him. In order to expedite the work of any department, or to adequately administer an increase in the duties which may devolve on any department, or to cope with periodic or seasonal changes, the Mayor, subject to civil service regulations, is empowered to transfer employees temporarily from one department to perform similar duties in another such department. Likewise, each department head shall have power to transfer employees from one bureau or division to another within his department, subject to the rules and regulations of civil service. The Mayor may direct any such department or bureau to perform work for any other department or bureau.

In case of general conflagration, rioting, earthquakes, or other emergency menacing life and property, the Mayor shall be authorized to marshal all the forces of the different departments of the City for the maintenance of the general security, and shall have the power to deputize, or otherwise employ, such other persons as he may consider necessary for the purpose of protecting the City and its residents.

Neither the Council nor any of its committees or members shall in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the Mayor by this Charter, except that all department heads appointed by the Mayor shall be subject to confirmation by the City Council as herein provided. Except for the purpose of inquiry, the Council and its members shall deal with that part of the administrative service for which the Mayor is responsible solely through the Mayor, and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor in said departments, either publicly or privately.

The Council, the Mayor or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the City and to make investigations as to City affairs. For that purpose the Council may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The Council shall provide by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

The City Council shall require the Mayor, before entering upon the duties of his office, to execute a good and sufficient bond, with a surety company doing business in the State of Texas, and approved by the City Council, as surety thereon, said bond to be in such amount as the Council may demand payable to the City of Houston and conditioned for the faithful performance of the duties of his office, the premium for such bond to be paid by the City.

Article VIIb, as heretofore existing, is hereby repealed.

If any paragraph, clause, sentence or phrase of this section is for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this article shall not be affected.

This amendment shall become effective on the 1st day of August, A. D. 1947. (Added by amendment July 26, 1947; amended January 27, 1968)

Section 8. SALARY OF THE MAYOR.

The salary of the Mayor shall be \$20,000.00 per annum, payable in equal semi-monthly installments.

This amendment shall become effective on the 1st day of August, 1947. (Added by amendment August 15, 1942; amended July 26, 1947)

Section 9. Saving Clause.

If any section, sub-section, clause, sentence or phrase of this Article is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of this Article. (Added by amendment August 15, 1942)

Section 10. Repeal.

Article VI, as heretofore existing, is repealed. (Added by amendment August 15, 1942)

Sec. 11. Vice Mayor Pro Tem.

At the first regular meeting of the City Council after the induction of the newly elected Mayor and members of Council in office, Council shall appoint, by majority vote, one of its members who shall be known and designated as 'Vice Mayor Pro Tem', who shall continue to hold the title and the office until such member resigns or is replaced by a majority vote of City Council, and who shall receive no extra pay by reason of being or acting as Vice Mayor Pro Tem. (Added by amendment August 14, 1982)

Sec. 12. Disability of the Mayor and Mayor Pro Tem.

If for any reason the Mayor is absent from the City, sick, or unable to perform the duties of that

office, and the Mayor Pro Tem is absent from the City, sick or unable to perform the duties of the office of Mayor Pro Tem, the Vice Mayor Pro Tem shall act as Mayor, and during such absences or disabilities shall possess all of the powers and perform all of the duties of the Mayor. (Added by amendment August 14, 1982)

Sec. 13. Vacancy.

In case of the death, resignation or permanent disability of the Mayor, or whenever a vacancy in the office of Mayor shall occur for any reason, and in case of the death, resignation or permanent disability of the Mayor and Mayor Pro Tem, the Vice Mayor Pro Tem shall act as Mayor and shall possess all of the rights and powers of the Mayor and perform all of his duties, under the official title, however, of Vice Mayor Pro Tem until an election is ordered by the City Council to fill the vacancy in the office of Mayor and a successor has been elected and shall have qualified. Said election, should a vacancy occur in the Office of Mayor, shall be called by the City Council and held within thirty days after the vacancy occurred and notice by publication given for at least twenty days, as may be required by law. (Added by amendment August 14, 1982)

ARTICLE VI-a. FISCAL YEAR, BUDGET ALLOWANCE, REPORTS APPROPRIATIONS, ETC.

Section 1. Fiscal year, Appropriations.

The current fiscal year of the City of Houston shall, beginning January 1, 1916, commence on the first day of January of each year and end on the 31st day of December next thereafter.

It shall be the duty of the City Council at the first meeting in January of any year to make appropriations for the support of the city government until the general appropriation ordinance passed on the second meeting in February shall have been passed, and at the second meeting in February of each year, or at any time thereafter in any year, the City Council shall appropriate such sums of money, respectively, for the various departments of the City Government as they may

deem necessary for their maintenance for the current fiscal year. (Added by amendment December 28, 1915)

SEC. 2. ANNUAL BUDGET.

It shall be the duty of the Mayor from time to time to make such recommendations to the Council as he may deem to be for the welfare of the City, and each year to submit to the Council the annual budget of the current expenses of the City in accordance with the requirements of the State Budget Law applicable to cities and towns. (Added by amendment December 28, 1915; amended January 27, 1968)

Section 3. Reports of Heads of Departments.

The head of each department created by the City Council shall make a written report to the Mayor on or before the 15th day of January of each and every year, showing the operations of the department for the preceding year. These reports to be transmitted to the Mayor and shall accompany and be a part of the Mayor's report to the City Council, which report shall be made on or before the 15th day of February of each year. (Added by amendment December 28, 1915)

Section 4. REPORT OF THE CITY CONTROLLER.

The City Controller shall, on or before the first day of April of each year, prepare and transmit to the City Council a report of the financial transactions of the City during the fiscal year ending the last day of December, next preceding, and of its financial condition on said last named day of December. The report shall show an accurate statement in summarized form and also in detail of the financial receipts of the City from all sources and of the expenses of the City for all purposes, together with a detailed statement of the debt of said City and of the purposes for which said debt was incurred, and of the property of said City, and of the accounts of the City with the grantees of franchises. (Added by amendment December 28, 1915; amended July 26, 1947)

Section 5. Council to effect change.

The City Council shall, and it is hereby authorized to pass all such ordinances not inconsistent herewith, as may be necessary to fully effect the change from the present fiscal year to the fiscal year fixed by this article. (Added by amendment December 28, 1915)

Note—The title of this section was added by the editor; it is not titled in the certification of the 1915 Charter Election.

Section 6. Repeal of Laws in Conflict with this Article.

Section 8 of Article VI, the first and fourth paragraphs of Section 10 of Article VII, the first paragraph of Section 4 of Article VIII, and all other sections or parts of sections of the existing charter of the City of Houston in conflict with this article shall be and are hereby repealed. (Added by amendment December 28, 1915)

Election, in which event the remainder of the City Council shall, by a majority vote, fill each such position. A person selected to fill any such vacant position must meet all qualifications for such position and shall serve during the unexpired term of such position. (Added by amendment August 15, 1942; amended August 11, 1979)

ARTICLE VII. CITY COUNCIL

Section 1. COMPENSATION OF COUNCILMEN.

Each Councilman shall receive as compensation for his services the sum of \$3,600.00 per annum, payable in equal semi-monthly installments, and in addition, all necessary expenses incurred by members of the City Council in the performance of their official duties shall be paid by the City.

The Councilmen shall not be required to devote their full time to the duties of their offices.

This amendment shall become effective on the 1st day of August, A. D. 1947. (Added by amendment August 15, 1942; amended July 26, 1947)

Sec. 2. Vacancies.

If the positions of six or fewer Council Members are vacant at any one time, the remainder of the City Council shall, by a majority vote, fill each such position. If the positions of seven or more Council Members are vacant at any one time, the remainder of the City Council shall call a special election to fill such positions, unless such vacancies occur within sixty days of a City General

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Sec. 3. Meetings.

At eleven o'clock A.M. on the day the members of the City Council take office, they shall meet at the City Hall and thereafter all meetings of the Council shall be held in the City Hall at such times as may be prescribed by ordinance or resolution; but not less than one regular meeting shall be held each week unless postponed for valid reasons, to be spread on the minutes. Special meetings shall be called by the City Secretary upon the written request of the Mayor or three Council Members.

All meetings of the Council and of all committees thereof shall be open to the public and the rules of the Council shall provide that citizens of the city shall have a reasonable opportunity to be heard at any such meetings in regard to any matter to be considered, provided that the Council may enact ordinances requiring applications for hearings to be in writing and shall have power to prescribe rules and regulations for such hearings.

A quorum shall consist of a majority of the members elected, except where the number of members, due to vacancies, is reduced to less than two-thirds of the total number of members elected, in which event a quorum shall consist of all the remaining members; but a less number than a quorum may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

The council shall act only by ordinance, resolution or motion, and all ordinances, resolutions or motions, except ordinances making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and ordinances making appropriations shall be confined to the subject of appropriation, except that a single ordinance authorizing one or more contracts, agreements or obligations may also make an appropriation of money for the same.

The ayes and nays shall be taken upon the passage of all ordinances, resolutions and motions and entered upon the minutes of the proceedings of the Council, and every ordinance, resolution, or motion shall require on final passage the affirma-

tive vote of at least a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved. (Added by amendment August 15, 1942; amended August 11, 1979, August 14, 1982)

Section 4. Restrictions upon Members of the Council.

No member of the City Council shall hold any other public office, or hold any office or employment, compensation for which is paid out of public moneys, except membership on the Board of Appraisal; nor be elected or appointed to any office created by, or the compensation of which was increased or fixed by the City Council while he was a member thereof, until after the expiration of at least one year after he has ceased to be a member of the City Council. Nor shall any member of the City Council, or any officer of the City of Houston, be pecuniarily interested, directly or indirectly, in any contract let by the city, or in any work done by the city, or in any matter wherein the rights or liabilities of the City of Houston are or may be involved.

In the event such officer of the City of Houston shall become interested, directly or indirectly, in any contract or work, purchase or sale made by the City of Houston, then the said contract or work, purchase or sale, shall be null and void and shall be discontinued, and new arrangements shall be entered into as in case of the incipency of the contract of work, purchase or sale. (Added by amendment August 15, 1942)

Section 5. City Council May Summon Witnesses.

The City Council shall have power to summon and compel the attendance of witnesses and the production of books and papers before it whenever it may be necessary for the more effective discharge of its duties, and shall have the power to punish for contempt with the same fines and penalties as the County Judge may impose in punishing for contempt before the County Court. All processes shall be signed by the Mayor and

attested by the City Secretary and shall be served by the Chief of Police or any police officer of the said city.

The Mayor, City Secretary or any member of the City Council shall have the authority to administer oaths in any matter pertaining to municipal affairs. (Added by amendment August 15, 1942)

Section 6. Rules of the Council.

The City Council shall determine its own rules of procedure, may punish its members for misconduct, shall compel the attendance of members, and, by a vote of a two-thirds majority of the members elected, may impeach and remove a member.

Any member of the City Council who shall have been convicted of bribery or who shall violate any of the provisions of this Article shall forfeit his office and the emoluments attached thereto. (Added by amendment August 15, 1942)

Section 7. Passage of ordinances after introduction.

No ordinance shall be passed finally on the date it is introduced, except in the case of public emergencies, and then only when requested by the Mayor in writing; provided that no ordinance or resolution making a grant of any franchise or special privilege shall ever be passed as an emergency measure. (Added by amendment August 15, 1942)

Note—The title of this section was added by the editor; it was not titled in the ordinance calling the 1942 Charter Election.

Section 8. May Establish Office, Fix Salary and Define Duties.

The City Council shall, consistent with the provisions of this Charter, have power to establish any office that may in its opinion be necessary or expedient for the conduct of the city's business or government, and may fix its salary and define its duties; provided, however, that all offices established by the Council shall be subject to discontinuance or abolishment by the Council at any time, and in no case shall any officer or employee of the city be entitled to receive any compensation

or emolument of any office which may be abolished, or from which he may be removed, except for services rendered to the date when the office was abolished or the incumbent removed.

The Council shall require all officers of the city to give bond in such sum as may be prescribed by ordinance, which sum shall always be of sufficient amount amply to protect the city. (Added by amendment August 15, 1942)

Sec. 9. Limitations on the power to sell or lease real estate.

In addition to the power already possessed by it, the City of Houston shall have the power to lease any real estate or interest therein, mineral or otherwise, owned by it. The city council shall not have the power to sell or dispose of any real estate or interest therein, or make any mineral lease of land belonging to the city, except by ordinance adopted by a vote of two-thirds of the council. The City Council shall enact by a vote of two-thirds of the Council, such ordinances governing the sale, lease or disposal of said real estate or interest therein as it deems to be in the best interest of the City; which shall establish the minimum monetary value of the real estate or interest therein at which the Council must appoint two qualified appraisers for the purpose of determining fair market value prior to completion of the transaction; which may define and identify authorized transactions involving the sale, lease or disposal of said real estate or interests therein; and which may outline the procedures for and the manner in which such transactions shall be administered.

It shall be the duty of the Tax Assessor and Collector of the City of Houston, prior to June 1st of each year, to prepare and present to the City Council an inventory of all of the real estate or interest in real estate owned by the City of Houston, together with an inventory of all of the improvements situated thereon.

The provisions of this section shall not apply to the sale or conveyance of property by the City acquired by it at the foreclosure of a tax lien. (Added by amendment August 15, 1942; amended November 5, 1991)

Section 10. Councilmen have Legislative Power Only.

All legislative powers of the City shall be vested, subject to the terms of this Charter and the Constitution of the State of Texas, in the City Council; and no Councilman shall exercise any administrative powers or be the head of any department. (Added by amendment of August 15, 1942)

Section 11. Provision for Interest and Sinking Fund on Bonded Indebtedness in Budget.

In making up the budget allowance for any current year, the City Council shall first make provision for the payment of the interest and the creation, setting aside and preservation of a legal sinking fund upon all of the outstanding bonded indebtedness of the city, and shall then make such appropriations as the remaining revenues of the city justify, to be apportioned among the respective departments, or otherwise appropriated for public uses, as to the Council may seem best; provided, however, that in no case shall the entire appropriation as made, which comprehends interest and sinking fund on the bonded debt, together with other public uses and purposes, ever exceed the estimated available resources, which shall be based upon the probable revenues of the city derived from ad valorem taxes upon the basis of the total valuation of the property for taxation for the preceding year, and of such other contingent revenues of the city as may probably accrue.

It shall be deemed a malfeasance for the City Council to make an appropriation in the budget the sum total of which shall exceed the estimated available or probable revenues for any current fiscal year. (Added by amendment of August 15, 1942)

Section 11a. Appropriation for emergency fund.

The City Council at the time it makes the budget allowance for any current year, or at any subsequent time, may also appropriate a sum not to exceed Five Thousand Dollars (\$5,000.00) to be used by the Mayor as an emergency fund for any

current year, and for which he shall not be required to account. (Added by amendment July 26, 1947)

Note—The title of this section was added by the editor; it is not titled in the ordinance calling the 1947 Charter Election.

Section 12. Savings Clause.

If any section, sub-section, clause, sentence or phrase of this article is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of this article. (Added by amendment August 15, 1942)

ARTICLE VII-a. RECALL OF OFFICERS.

Section 1. Scope of Recall:

The holder of any public office in the City of Houston, whether elected thereto by the people or appointed by the City Council, may be removed from office by recall. (Added by amendment October 15, 1913)

Section 2. Petition—Generally.

All petitions for recall of any officer of the City of Houston, shall be instituted by filing with the City Secretary of a verified written petition requesting the removal of such officer, which said petition shall be signed by the qualified electors of the City of Houston, in number not less than twenty-five per cent. of the total vote cast at the Democratic Primary for the nomination of Mayor and Commissioners next preceding the filing of said petition. The signers of said petition shall also set opposite their respective names, the number of his residence, naming the street, and shall also state the day of the month and the year when such signature was affixed. (Added by amendment October 15, 1913)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1913 Charter Election.

Section 3. Form of Petition:

The form of petition above provided for shall be as follows:

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF HOUSTON:

We, the undersigned hereto, who are qualified voters of the City of Houston, request the removal

of _____ from the office of _____ (petition shall set forth distinctly and specifically grounds showing or tending to show some ground of incompetency or unfitness for or misconduct or malfeasance in the office, upon which the petition for removal is predicated, and if there be more than one ground, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things which he will be called to answer and if the officer sought to be recalled was nominated at a primary the petition shall state that each signer participated in said primary). Said petition shall be signed by the requisite number of voters as provided by Section 2 of this Article. Each signature to said petition shall be proved or acknowledged as required of petitioners by Article IX, Section 3 of this Charter, or shall be verified as follows.

STATE OF TEXAS, COUNTY OF HARRIS.)

I, _____, being first duly sworn on oath depose and say: that I am one of the signers of the above petition, that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is a genuine signature of the person whose name it purports to be.

Sworn to and subscribed before me this _____ day of _____, 1913.

Notary Public in and for Harris County, Texas.

(Added by amendment October 15, 1913)

Section 3a. Various Papers, Certifications, Filing.

The petition may consist of one or more papers circulated separately, and the signatures thereto may be upon the paper or papers containing the formal petition, or upon other papers attached thereto; each signer of a petition shall sign his name in ink or indelible pencil. The verification may be made by one or more petitioners, and the several parts of the petition may be verified separately and by different persons, but no signature to such petition shall remain effective or be

counted which was placed thereon more than thirty days prior to the filing of such petition or petitions with the City Secretary. All papers and documents comprising a single petition shall be filed with the Secretary on the same day, and the Secretary shall immediately notify in writing the officers sought to be removed. (Added by amendment October 15, 1913)

Section 4. Objection to Petition.

Within ten days after the filing of petition, the incumbent whose removal is requested shall file with the City Secretary his objection in writing to the sufficiency of such petition, and he cannot thereafter contest its sufficiency upon any objection not so filed. Within five days after exceptions have been filed, if the petition is filed to remove an appointee of the council, then the City Council shall sit as a body to hear and determine the sufficiency of the objections, and the exceptions shall be sustained in the particulars in which the same are held to be sufficient, and the signers of said petition may amend said petition to meet the requirements of the ruling of the Council, and if the said objections go to the form and manner of the charge preferred it shall be necessary for said petition to be recirculated and signed anew, but if the objections go to the number of the signers, or the genuineness of the signatures, or the fact of the party signing being a qualified voter, and are sustained, then said petition shall be dismissed and the parties may immediately reinstitute a petition to remove said party.

Any member or members of the City Council against whom a petition is directed shall not be eligible to act in the matter of the determination of the sufficiency of said objections, but the remainder of said Council, if constituting a majority shall serve and act therein, and a majority of the votes of those members of the Council acting on the sufficiency of the petition shall control; provided, that should the petition be directed against a majority of the members of the City Council then same shall be presented to and acted upon by one of the District Judges of Harris County, Texas, whose decision on the sufficiency of said petition shall be final, and who, if he shall sustain said petition shall order the council to call a recall election to be held as provided in Section 7 hereof.

Any exceptions or objections to the sufficiency of the petition must be specific and definite and no general objections will be entertained. (Added by amendment October 15, 1913)

Section 5. The Certificate of the Secretary.

On or before the thirtieth day after the date of filing of the petition the City Secretary shall certify to the City Council (a) the greatest total vote cast for Mayor at any city general election held within three years next preceding the date of the filing of such petition, and (b) the number of valid signatures on said petition, and shall present such petition and certificate to the council. (Added by amendment October 15, 1913; amended November 5, 1991)

Section 6. Amendment of Petition.

If the petition is insufficient in respect to the matters charged against the officer sought to be removed, it may be withdrawn by the person filing it, and amended as many times as desired within twenty days of the time when objections are sustained thereto. The duty of the Secretary shall be the same with respect to any amended petition as with the original petition. (Added by amendment October 15, 1913)

Section 7. Calling of Election. 25% of the Electors at Democratic Primaries in City must sign Petition.

If the petition be signed as herein provided by qualified electors equal to twenty-five per cent. of the total vote cast at the Democratic Primary for the nomination of Mayor and Commissioners, next preceding the filing of such petition, and if it set forth the grounds of objection as provided in Section 3 hereof and same is not declared insufficient upon objection thereto as provided in Section 4 hereof, the Council within ten days after the final certification of the Secretary, unless the incumbent sought to be removed resigns within five days after such final certification, shall order a special election to be held on a day fixed in such order not less than forty days nor more than fifty days from the date of such final certification; provided, that if any municipal election is ap-

pointed to occur within ninety days from such final certification, the recall election shall not be held. (Added by amendment October 15, 1913)

Section 8. Result of Election: Petition to Recall.

If the person sought to be removed shall at said election be recalled, his tenure of office shall terminate upon the determination of the result of the election by the City Council, who shall examine, count and canvass the returns and declare the result as elsewhere provided in this Charter for other elections; and, if an appointed officer, his successor shall at once be appointed by the Mayor and City Council, as provided in this Charter, and if an elective officer, provision shall at once be made for the election of a successor to fill the vacancy, as elsewhere provided for in this Charter. (Added by amendment October 15, 1913)

Section 9. Qualification of Recalled Officers.

Any officer removed from office by recall election, or who shall resign from said office pending recall proceedings against him, shall not be appointed or elected to any city office or appointment within two years after his removal or resignation. (Added by amendment October 15, 1913)

Section 10. Joinder of Several Officers in One Petition.

Two or more officers subject to recall, as provided for in this amendment may be joined in one petition for removal, and one election may be held therefor. (Added by amendment October 15, 1913)

Section 11. Limitation on filing petition.

No petition for the recall of any officer shall be filed until eight months after the election or appointment and the qualification of such officer, nor shall there be more than one recall election in any one calendar year. (Added by amendment October 15, 1913)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1913 Charter Election.

ARTICLE VII-b. LEGISLATION BY THE PEOPLE. INITIATIVE AND REFERENDUM.

Section 1. General Power.

The people of Houston, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by the initiative and referendum. (Added by amendment October 15, 1913)

Section 2. The Initiative.

The initiative shall be exercised in the following manner:

- (a) *Petition.* A petition signed and verified in the manner and form required for recall petition in Article VI-a by qualified electors equal to fifteen per cent. of the total vote cast at the Democratic Primary for the nomination of Mayor and Commissioners, next preceding the filing of said petition, accompanied by the proposed legislation or measure in the form of a proposed ordinance or resolution, and requesting that such ordinance or resolution be submitted to a vote of the people, if not passed by the Council, shall be filed with the Secretary.
- (b) On or before the thirtieth day after the date of filing of the petition the City Secretary shall certify to the City Council (a) the greatest total vote cast for Mayor at any city general election held within three years next preceding the date of the filing of such petition, and (b) the number of valid signatures on said petition, and shall present such petition and certificate to the council.
- (c) *Action by the Council upon Petition.* If such petition be signed, as in the Charter provided, by qualified electors equal to fifteen per cent. of the total vote cast at the Democratic Primary for the nomination of Mayor and Commissioners, next preceding the filing of such petition, the council, within ten days after the receipt thereof, except as otherwise provided in this Charter, shall either pass such ordi-

nance or resolution without alteration, or submit it to the popular vote at a special election, which must be held within thirty days after the date of the ordering thereof; provided, however, that if any other municipal election is to be held within sixty days after the filing of the petition said proposed ordinance or resolution shall be submitted without alteration to be voted upon at such election. (Added by amendment October 15, 1913; amended November 5, 1991)

Section 3. Referendum.

If prior to the date when an ordinance or resolution shall take effect, or within thirty days after the publication of same, a petition signed and verified, as required in section 2-a hereof, by the qualified voters equal in number to ten per centum of the total vote cast at the Democratic Primary for the nomination of Mayor and Commissioners, next preceding the filing of said petition as hereinbefore provided, shall be filed with the Secretary, protesting against the enactment or enforcement of such ordinance or resolution, it shall be suspended from taking effect and no action theretofore taken under such ordinance or resolution shall be legal and valid. Immediately upon the filing of such petition the Secretary shall do all things required by section 2-b of this Article. Thereupon the Council shall immediately reconsider such ordinance or resolution and, if it do not entirely repeal the same, shall submit it to popular vote at the next municipal election, or the Council may, in its discretion, call a special election for that purpose; and such ordinance or resolution shall not take effect unless a majority of the qualified electors voting thereon at such election shall vote in favor thereof. (Added by amendment October 15, 1913)

Section 4. Submission by the Council.

The Council, of its own motion, may submit to popular vote for adoption or rejection or repeal at any election any proposed ordinance or resolution or measure, in the same manner and with the same force and effect as provided in this Article for submission on petition. (Added by amendment October 15, 1913)

Section 5. Form of Ballots.

The ballots used when voting upon such proposed and referred ordinances, resolutions or measures shall set forth their nature sufficiently to identify them, and shall also set forth upon separate lines the words "For the Ordinance" and "Against the Ordinance", or "For the Resolution" or "Against the Resolution". (Added by amendment October 15, 1913)

Section 6. Publication of Ordinance, etc. Notice of Election.

The Secretary shall publish at least once, every proposed or referred ordinance or resolution in some daily newspaper in the City of Houston within fifteen days before the date of the election; and shall have such other notices, and do such other things relative to such election as are required in general municipal elections, or by the ordinance calling said election. (Added by amendment October 15, 1913)

Section 7. Adoption of Ordinance.

If a majority of the qualified electors voting on any proposed ordinance or resolution or measure shall vote in favor thereof the same shall thereupon or at any time fixed therein become effective as a law or as a mandatory order to the Council. (Added by amendment October 15, 1913)

Section 8. Inconsistent Ordinances.

If the provisions of two or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail. (Added by amendment October 15, 1913)

Section 9. Repeal or Amendment of Ordinances Passed by the People.

No ordinance or resolution, which has been passed by the Council upon a petition, or adopted by popular vote, under the provisions of this Article, shall be repealed or amended, except by the Council in response to a referendum petition or by popular vote thereon. (Added by amendment October 15, 1913)

Section 10. Number of Elections.

There shall not be held under this Article more than one special election in any period of six months. (Added by amendment October 15, 1913)

Section 11. Regulations by Council.

The Council, by ordinance may make other and further regulations for carrying out the provisions of this Article not inconsistent herewith. (Added by amendment October 15, 1913)

Section 12. Certain sections not construed to be repealed.

Nothing herein shall be construed to in any wise affect, impair or repeal Sections 17 and 18 of Article II or any other provision of the Charter affecting the granting of franchises or privileges or the referendum thereon, but the same shall continue to remain in full force and effect as though this Article had not been adopted. (Added by amendment October 15, 1913)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1913 Charter Election.

Section 13. Referendum on Zoning.

The City of Houston shall have the power to adopt a zoning ordinance only by: (a) allowing a six month waiting period after publication of any proposed ordinance for public hearings and debate and (b) holding a binding referendum at a regularly scheduled election. Any existing zoning ordinance is hereby repealed. (Added by amendment January 15, 1994)

ARTICLE VIII. CITY CONTROLLER.

Section 1. ELECTION, SALARY, BOND, ETC.

The City Controller shall receive a salary of \$14,800.00 per annum, payable in equal semi-monthly installments, and shall make a bond in the sum of \$50,000.00 conditioned as the Council may require. He shall not be removed from office except by impeachment proceedings, as provided for in the case of the Mayor and Councilmen, or by recall as provided in this Charter.

This section shall be effective on the 1st day of August, A. D. 1947. (Act of 1905; amended October 15, 1913; December 30, 1922, January 28, 1933, July 26, 1947, November 18, 1961)

Sec. 2. Duties of the controller.

It shall be the duty of the controller to superintend and supervise the fiscal affairs of the City of Houston, and to manage and conduct the same as prescribed by this Charter and the ordinances of the City of Houston that are now or may be hereafter enacted; and said controller shall prepare and publish in some newspaper in the City of Houston, not later than the 5th day of each month, a notice declaring that a statement of the preceding month's expenses is available for examination and inspection in the office of the controller. Such statement shall show the total amount paid in monthly salaries to all the employees in each department of the city and shall also show the amount paid on the weekly pay roll to all persons working for the city by the week or day, and shall also show the cost of maintaining each department of the city government, and the total amount of each month's expenses so incurred; said statement shall also show the cost of improvement and extension work not properly classed as current expenses and not done under contract with outside parties, and shall show all other extraordinary expenditures, for interest on bonds, payments on bonds, etc., which statement shall be signed and sworn to by said controller, and he shall permit any qualified elector at all reasonable hours to examine or inspect the books of the city, furnishing such party all reasonable assistance therein, and the council shall pass suitable ordinances to enforce this section and provide suitable penalties. (Act of 1905; amended October 15, 1913, August 14, 1982)

Section 2a. Vacancy.

In the case of the death, resignation or permanent disability of the City Controller or whenever a vacancy in the office of the City Controller shall occur for any reason, the City Council shall appoint a successor to fill the unexpired term of such office, provided that City Council may appoint someone temporarily for not more than sixty (60) days to hold such office, which person or persons

shall be qualified in like manner as is required of persons elected to the office of City Controller. (Added by amendment August 14, 1982)

Section 3. Books of Account.

It shall be the duty of the Controller to keep books of account of the City of Houston, and to make such financial reports and statements as are provided by the terms of this Act. His books of account shall exhibit accurate and detailed statements of all moneys received and expended for account of the City by all City officials and other persons, and shall show in detail the property owned by the City and the income derived therefrom.

He shall also keep separate accounts of each and every appropriation made by the City Council, showing the date thereof and the purpose for which the same is made, and shall show for what each payment of any public money is made and the manner of making the same, and to whom same is made.

He shall keep a separate account with each department of the City government, and also such other accounts as may be necessary to show a complete financial statement of the City, and he shall be prepared at every regular meeting of the City Council to give such information concerning the finances of the City as the Council may require.

All warrants or orders for payment of any public fund or moneys for any purpose shall be signed by the Controller and the Mayor. No warrant not signed by the Controller shall be authority for the payment of any public funds whatever, but the Controller shall in no instance, unless the money is in the treasury and in the fund against which it is drawn, sign any warrant or order for the payment of any sum or amount for any purpose; provided, however, that nothing herein contained shall prevent the issue and sale of warrants to anticipate the current revenue for any one year, which said warrants shall bear such rate of interest, not exceeding five per cent., as the City Council by ordinance may prescribe.

He shall not sign any contract nor make or execute any warrant or order for the payment of

any sum of money, unless the same be legal, and all prerequisites and requirements shall have been complied with, nor until after an appropriation has been duly and legally made therefor.

He shall, whenever deemed necessary, require all accounts presented to him for settlement or payment to be certified to by affidavit, and he is hereby authorized to administer oaths, with authority to compel and require persons to answer such questions as may be propounded to them touching the correctness of any account or claim against the City. He shall require all persons who shall have received any moneys belonging to the City and not having accounted therefor, to settle their accounts, and it is hereby made his duty from time to time to require all persons receiving moneys, or having the disposition or management of any property of the City of which an account is kept in his office, to render statements thereof to him; provided, that no warrant or order shall ever be issued in favor of any person or corporation, or to the assignee or agent of any person indebted in any manner for taxes or otherwise to the City, unless such debt so due and owing to the City be paid.

No disbursing officer of the City, nor any one having money in his possession for the account of the City, shall pay the same to any person or persons for the account of the City, except to the regularly designated officer or custodian of the public funds for the City, except upon draft or warrant countersigned by the Controller of the City of Houston, and signed by the Mayor; and the Controller shall not countersign any such draft or warrant until he has audited and examined the claim and found the same justly and legally due and payable, and that the payment has been legally authorized, and appropriation therefor duly made, and that the appropriation has not been exhausted. (Act of 1905)

Section 4. Annual Report.

In addition to the annual statement herein required, and of the reports which may be demanded by the Council at any time, it is especially made the duty of the Controller to be able to show at any time, and certainly upon or immediately after the first of each month, a comprehensive

and accurate statement of the financial affairs of the City of Houston, and if any officer of any department, or any employe of the City, shall fail to make such stated or stipulated reports as, and at the times, required either by the Mayor or the City Council, it shall be the duty of the Controller to report such delinquency or failure to the Mayor, and further to state at any time any carelessness or negligence of any officer or employe in the making or stating of reports covering any matter within the range of the duty of said officer or employe. (Act of 1905; amended December 28, 1915)

Section 5. Right to Examine the Books of the Grantees of Public Franchises.

The City of Houston shall have the right to regulate the rates, fares, tolls and charges to be collected from the public by any holders, owners, operators, persons or incorporations enjoying any grants or franchises from the City of Houston pertaining to public utilities, including furnishing of lights, water, telephones, and street car service, etc., pertaining to a public or quasi public duty, and the right and authority is hereby given to the Mayor or to the City Council to require the City Controller or such other officer or employe as may be designated, to examine, carefully inspect all of the books, accounts, papers and documents, as well as the property of such persons or corporations using and enjoying any of said grants or franchises from the City of Houston as above stated, and to make such reports of said examination as required by the Mayor or City Council, when deemed necessary, for the following purposes:

1. When such franchise or grant was made upon the consideration and agreement that the City of Houston should receive a per cent. or portion of the revenue derived from the use of said grant or franchise.
2. When the persons or corporations above referred to have listed their property for taxation at a valuation deemed by the City Council or the Mayor to be below its actual value, or fails to list the same for taxation.

3. When the City Council desires to fix the rates, fares, tolls and charges which said persons or corporations above described shall charge the public for water, lights, transportation, or other services rendered or furnished under the franchises granted to it or them by the said City of Houston, and the information is desired or deemed necessary by the Mayor or City Council as a basis upon which to fix a proper rate.
4. When the Mayor or City Council have directed the individuals or corporations above specified to extend their lines and service or to improve their service in any manner necessary for the public comfort and convenience, or to make improvements and betterments of their property, and such persons or corporations demur thereto, on the ground that the income from their property used under said franchise is not sufficient to justify the same.

Such examinations and reports provided for in this Section are for the purpose of ascertaining the value of the property and the income derived from it, and the reasonable expense for its operation. (Act of 1905)

Section 6. Reports of Owners of Franchises.

It is hereby made the duty of every person, firm or corporation, assignee, trustee or receiver owning, operating or controlling any property under a franchise or grant from the City of Houston to make and submit to the City Council of the City of Houston, within sixty days after the first day of January of each and every year, an annual report in writing, verified under oath by such person, firm, or the president, treasurer, general manager, trustee, assignee or receiver of such corporations, which said report shall contain a complete statement of the financial condition of said person, firm or corporation, or assignee, trustee or receiver, including the authorized capital stock, the amount of stock issued and outstanding, the bonded indebtedness, if any, the indebtedness of any and all kinds, the assets of any and all kinds including personal property and real estate, the earnings, gross and net, the operating and other expenses, and all such other detailed information as may be prescribed from time to time by the

City Council by ordinance; and every such person, firm or corporation, assignee, trustee or receiver shall also be required, whenever requested by the City Council, within 30 days thereafter, to make such other and further reports and to give such other and further information as may be required by said City Council from time to time in regard to their said business.

Any such person, firm or corporation, assignee, trustee or receiver who shall fail or refuse to make the annual report herein provided for, or fail or refuse to furnish any such information as may be requested by the City Council as herein provided for, or make a report false in any material particular, or fail or refuse to permit the examination provided for in section 5 of this Article shall forfeit and pay to the City of Houston the sum of Fifty Dollars per day for each and every day during which he or it shall so fail or refuse to make and submit such annual report, or give such information as may be requested or permit a report false in any material particular to remain on file uncorrected, or refuse to permit the examination provided for in Section 5 of this Article, which said sum may be recovered by the City of Houston in any court of competent jurisdiction. That in addition to such penalty or penalties the City Council shall, in the event of a failure or refusal to make such annual report, or to give additional information, or to permit such examination, or to allow to remain on file a report false in any material particular, pass appropriate ordinances forfeiting the franchise of such person, firm, corporation, assignee, trustee or receiver.

That the City Council, in addition to the foregoing penalties provided for, may pass such ordinances as it may deem necessary to enforce the provisions of this section and fix a penalty for the violation hereof in any sum not exceeding One Hundred Dollars and provide that each and every day that such failure or refusal continues, or such false report is allowed to remain upon file shall constitute a separate and distinct offense, and provide in such ordinances that the officers, servants and agents of any such person, firm or corporation, or assignee, trustee or receiver having the custody, management and control of said franchise and its books and property shall also be deemed the owners and operators and controllers

of such franchise, and they, as well as such persons, firms, or corporations, trustees, assignees or receivers, shall be guilty of violation of such penal ordinances as may be passed hereunder. (Added by amendment October 15, 1913)

ARTICLE IX. GENERAL PROVISIONS

Section 1. Actions by Citizens.

Any citizen who is a property tax-payer of the City of Houston may maintain an action in the proper court to restrain the execution of any illegal, unauthorized or fraudulent contract or agreement on behalf of said City, and to restrain any disbursing officer of said City from paying any illegal, unauthorized or fraudulent bills, claims or demand against said City, or any salaries or compensation to any person in its administrative service whose appointment has not been made in pursuance of the provisions of law and the regulations in force thereunder. And in case any such illegal, unauthorized or fraudulent bills, claims or demands or any such salary or compensation shall have been paid, such citizen may maintain an action in the name of said City against the officer making such payment, and the party receiving the same, or either, or both, to recover the amount so paid, and such amount, after deducting all expenses of the action, shall be paid into the City treasury; provided, however, that the court may require such citizen to give security to indemnify the City against costs of court, unless the court shall decide that there was reasonable cause for bringing the action. The right of any property tax-payer of the City to bring an action to restrain the payment of compensation to any person appointed to or holding any office, place or employment in violation of any of the provisions of this Act, shall not be limited or denied by reason of the fact that said office, place or employment shall have been classified as, or determined to be, not subject to competitive examination; provided, however, that any judgment or injunction granted or made in any such action shall be prospective only, and shall not affect payments already made or due to such persons by the proper disbursing officers.

In case of any unsatisfied judgment, or any suit or process of law against said City, any five or more citizens who are freeholders of said City, shall, upon petition, accompanied by affidavit that they believe that injustice will be done to said City in said suit or judgments, be permitted to intervene and inquire into the validity of said judgment, or defend said suit or action as fully and completely as the officers of said City would by law have the right to do. (Act of 1905)

Sec. 2. Elections.

That in each voting precinct of the City as the same may be legally defined, shall be established and arranged at least one voting place, and where two or more voting places are established, they shall be so located as to be most convenient to the greatest number of voters, with a distinct set of election officers, ballot boxes and registration books for each voting place; provided, the voter shall vote in the district or precinct of his residence. The city council shall make all necessary regulations concerning elections; the manner and method of holding the same. Such regulation, however, shall be in keeping with the provisions of this Act, and shall be in keeping with and consistent with the provisions of the State law applicable to elections and municipalities, in so far as the same may be practicable, and the city council shall provide for the examination and counting of the returns of elections, declarations of the result thereof, and the issuance of proper certificates to the successful candidates; and it is hereby made the duty of the council to examine and count the returns at its first regular meeting after the election shall be held, or if no regular meeting shall be held within one week after an election is held it is hereby made the duty of the mayor to call a special meeting of the council for the purpose of counting the vote and determining the result of the election within one week after the election is held, and the officers declared to be elected at such election shall be entitled to qualify immediately after the declaration of the result of the election, upon taking the oath of office prescribed by law.

The city council may, consistent with the other provisions of this Act, and conforming to all the provisions of the State law regulating primary

elections in cities and towns in so far as the same may be applicable, prescribe the manner and method of holding primary elections by all political parties or political organizations of any kind whatsoever, and to determine the rules that shall obtain with respect to the representation the respective parties or candidates may be entitled to at the polls; may prescribe an official ballot, official returns, etc., and the expense of all primary elections held for the purpose of nominating candidates of any political party or organization for city offices shall be borne and paid for by the city of Houston. (Act of 1905; amended by Act of April 13, 1905)

Section 3. Petitions.

The petitions provided for in this Act need not be on paper, and may be printed or written, but the signatures thereto must be the autograph signatures of the persons whose names purport to be signed. To each signature the house address of the signer must be added, and the signature must be made acknowledged or proved before an officer authorized by law to take acknowledgments and proof of deeds. The certificate of such officer, under his official seal, that a signature was so made and acknowledged or proved shall be sufficient proof of the genuineness of the signature for the purposes of this Act. The signing of another's name, or of a false or fictitious name, to a petition, or the signing of a certificate falsely stating either that a signature was made in presence of the officer or acknowledged or proved before him, shall be punishable as a forgery. (Act of 1905)

Section 4. Public Act.

That this act shall be deemed a public Act, and judicial notice shall be taken thereof in all courts. (Act of 1905)

Section 5. Existing Ordinances.

All ordinances of the City of Houston, not inconsistent with the provisions of this Charter, shall remain in full force and effect, until altered, amended or repealed by the City Council. Provided, that the power to pass such ordinances

under former charters has not been repealed expressly or impliedly by the terms of this Act. (Act of 1905)

Section 6. Repealed.

Section 7. Printed Ordinances as Evidence.

All ordinances of the City of Houston published in book or pamphlet form, and purporting to be published "by authority of the City Council of the City of Houston," shall be received by all the courts of the State of Texas as prima facie evidence of the due passage and publication of such ordinances as appear therein; provided, that no person shall be precluded from showing by competent evidence that any ordinance published "by authority of the City Council of the City of Houston," as aforesaid, is not a true copy of the original ordinance. (Act of 1905)

Section 8. City not Required to Give Bond.

It shall not be necessary in any action, suit or proceeding in which the City of Houston is a party for any bond, undertaking or security to be demanded or executed by or on behalf of said City in any of the State courts, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law, and said City shall be just as liable as if security or bond had been duly executed. (Act of 1905)

Sec. 9. Public Property Exempt from Execution Sale.

The property, real and personal, belonging to the City of Houston, shall not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the City in the hands of any person be liable to garnishment, nor shall the City or any of its officers or agents be required to answer any writ of garnishment, served upon or issued against it, and a failure to do so shall not entail any liability upon the City, but if the Mayor of the City elects so to do, he may answer in a writ of garnishment for the City, in his discretion. (Act of 1905)

Sec. 10. Freeholder in city not disqualified as juror, etc.; city employees exempt jury service.

No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant, or a free-holder, or a tax-payer of the City of Houston, in any action or proceeding in which said City may be a party at interest, and all officers and employes of said City shall be exempt from jury service. (Act of 1905)

Note—The title of this section was added by the editor; it was not titled in the 1905 Special Act.

Section 11. Notice of Claim for Damages.

Before the City of Houston shall be liable for damages for personal injuries of any kind, or for injuries to or destruction of property of any kind, the person injured, or the owner of the property injured or destroyed, or some one in his behalf, shall give the Mayor and City Council notice in writing of such injury or destruction, duly verified, within ninety days after the same has been sustained, stating in such written notice when, where and how the injury or destruction occurred, and the apparent extent thereof, the amount of damage sustained, the amount for which claimant will settle, the actual residence of the claimant by street and number at the date the claim is presented, and the actual residence of such claimant for six months immediately preceding the occurrence of such injuries or destruction, and the names and addresses of the witnesses upon whom he relies to establish his claim, and a failure to so notify the Mayor and City Council within the time and manner specified herein shall exonerate, excuse and exempt the City from any liability whatsoever, provided that nothing herein shall be construed to effect or repeal Section 12 of Article IX of this Charter. (Act of 1905; amended October 15, 1913)

Section 12. Liability and Negligence.

The City of Houston shall not be liable to any person for damages caused from streets, ways, crossings, bridges, culverts, sewers or sidewalks being out of repair from negligence of said corporation, unless the same shall have remained so for ten days after special notice in writing given to the Mayor or city council. (Act of 1905)

Section 13. Pleading Ordinances.

It shall be sufficient in all judicial proceedings to plead any ordinance of the city by caption, without embodying the entire ordinance in the pleading, and all printed ordinances or codes of ordinances shall be admitted in evidence in any suit, and shall have the same force and effect as the original ordinance. Certified copies of ordinances may also be used in evidence. (Act of 1905)

Section 14. Judicial notice of Charter.

This Act shall be deemed a public Act, and judicial notice shall be taken thereof in all courts. (Act of 1905)

Note—The title of this section was added by the editor; it was not titled in the 1905 Special Act.

Section 15. Ownership and Regulation of Public Utilities.

The right is hereby granted to the City of Houston to acquire its public utilities, such as gas, water and electric light works, and underground, surface and elevated street railways, subways or underground conduit systems for electric light, power, telephone, telegraph and other wires used for the purpose of transmitting any electric service. That such utilities may be purchased by a payment in cash of twenty-five per cent. of such price, the balance in annual installments, including interest, to be paid out of the revenues of such utility, and that such works so purchased shall stand pledged as security for the payment of the amount due thereon, but that no judgment shall be rendered against the city upon any deferred note, requiring the city to pay any specified sum of money, but said judgment shall be merely one of foreclosure, divesting and depriving the City of the possession of the property so purchased but not paid for, in which event the City shall forfeit and lose only the cash payment of twenty-five per cent. of the agreed price, without liability or judgment in any sum for the unpaid purchase price; provided, that no purchase or expenditure shall be made under this Section, unless the same shall first have been submitted to the vote of the qualified tax-paying voters at an election to be held exclusively for that purpose.

And the right is hereby expressly granted to the City of Houston to regulate all public utilities in said City, and to require efficiency of public service, and to require all persons or corporations to discharge the duties and undertakings for the performance of which the respective franchises were made. (Act of 1905)

Section 16. Improvement Districts.

The city council may, and upon petition shall, divide the city or any portion of the corporate territory thereof, into "Improvement Districts", clearly defining the limits and boundaries of each district; and shall have the right, and is hereby authorized to borrow money on the credit of any improvement district so created in the city, and issue bonds therefor for the purpose of constructing and laying permanent sidewalks improvements, or permanent street paving improvements, or both, in such district, but every proposition to borrow money on the credit of any improvement district for permanent sidewalk improvements or street improvements, or both, therein shall be submitted to the qualified tax-paying voters living within and owning property in such district, and shall distinctly specify the purpose for which the loan is desired, and the permanent sidewalk or street improvements, one or both, proposed to be constructed. If said proposition be sustained by a majority of the votes cast in such election in such district, such loan shall be lawful. All bonds shall specify for what purpose they are issued, shall bear interest at a rate not greater than six per cent per annum, and, when sold, shall net not less than par value, with accrued interest to date of payment of the proceeds into the city treasury, and such bonds may be negotiated in lots, as the City Council may direct. No debts shall be contracted for the payment whereof such bonds are issued until such bonds shall have been disposed of, and no debts shall ever be created against any such improvement district, unless at the same time provision be made to assess and collect annually upon the property in such improvement district a sum sufficient to pay the interest on such bonds and create a sinking fund of at least two per cent, thereon; or if a certain portion of said bonds are payable each year, then a sufficient amount shall

be assessed and collected to pay each of said bonds as they mature and pay the interest on all unpaid bonds. The interest and sinking fund shall be kept separate by the city from other funds, and shall not be diverted or used for any other purpose than to pay interest and principal on such bonds, and the city comptroller shall sign [sic] no draft or warrant on said fund, except to pay the interest and redeem the bonds for which it was provided. The sinking fund for such bonds shall be invested as provided in section 1, Article IV of this Charter, or in bonds of such improvement district; provided, however, that all property situated within any improvement district which may be created under the authority of this section shall participate to its full extent in, and be equally improved in its just proportion by said sidewalk or street improvements. (Act of 1905; amended October 15, 1913)

Section 17. Repealed.

Section 17-a. Repealed.

Section 17-b. Publication of ordinances and resolutions.

The City Secretary shall give notice of the passage of all ordinances and resolutions, except those granting franchises (which shall be published as now provided by the charter), by causing to be published in some daily newspaper in the City of Houston at least once within ten days after their passage and approval, the caption or title of such ordinances and resolutions, and such ordinance or resolution shall take effect and be in full force and effect from and after its passage and approval, unless otherwise provided therein; provided, that all such resolutions and ordinances shall be subject to the provisions of this charter for a referendum, and any action taken by authority of same shall be and become null and void should a referendum petition be filed on such ordinance or resolution as provided in Article VII-b of this charter. (Added by amendment October 15, 1913)

Section 18. Repeal of conflicting laws.

Be it further enacted, that all laws and parts of laws in conflict herewith be and the same are

hereby repealed; and that all previous special Acts granting or amending Charters of the city of Houston be especially repealed. (Act of 1905)

Note—The title of this section was added by the editor; it was not titled in the 1905 Special Act.

Section 19. Effect of Adopting Inconsistent Amendments.

Any amendment to the Charter of the City of Houston which may be adopted which is inconsistent with any existing provision of the City Charter shall by such adoption repeal such inconsistent provision, and at any election for the adoption of amendments if the provisions of two or more proposed amendments approved at said election are inconsistent the amendment receiving the highest number of votes shall prevail. (Added by amendment October 15, 1913)

CHARTER COMPARATIVE TABLE

SPECIAL ACTS

This table shows the location of the sections of the basic Charter and the special acts amending the Charter.

Year	Section	Section this Volume
1905	Arts. I-IX	Arts. I-IX
1905		Art. IX, § 2
1911		Art. IVa, §§ 1-5
		Art. IVa, §§ 7-18

CHARTER COMPARATIVE TABLE

AMENDMENTS

This table shows the location of the various amendments.

Date	Section this Volume	Date	Section this Volume
10-15-13	Art. I, § 2a		Art. III, § 10
	Art. I, § 2b		Art. III, §§ 15, 16
	Art. II, § 2		Art. IVa, § 9
	Art. II, § 4a		Art. IVa, § 14a
	Art. II, § 5a		Art. IVb, §§ 1, 2
	Art. II, § 6a	8-15-42	Art. V, § 1
	Art. II, § 7a		Art. V, §§ 6—14
	Art. II, § 7b		Art. VI, §§ 1—10
	Art. II, § 9		Art. VII, §§ 1—12
	Art. II, § 14a		Art. IX, §§ 17, 17a
	Art. II, § 15a	7-26-47	Art. VI, § 7a
	Art. II, § 19a		Art. VI, § 8
	Art. III, § 1		Art. VIa, § 4
	Art. IVa, § 3		Art. VII, § 1
	Art. IVa, § 4a		Art. VII, § 11a
	Art. IVa, § 5		Art. VIII, § 1
	Art. IVa, § 5a	5-29-51	Art. V, § 1
	Art. IVa, § 6		Art. V, §§ 6—12
	Art. Va, §§ 1—5	8-16-55	Art. V, § 8
	Art. VIIa, §§ 1—3		Art. V, §§ 13, 14
	Art. VIIa, § 3a	11-18-61	Art. VIII, § 1
	Art. VIIa, §§ 4—11	1-27-68	Art. II, § 19
	Art. VIIb, §§ 1—12		Art. Va, § 1
	Art. VIII, § 2		Art. VI, § 7a
	Art. IX, § 11		Art. VIa, § 2
	Art. IX, § 16	8-11-79	Art. V, §§ 1—5
	Art. IX, §§ 17, 17a, 17b		Art. V, § 8
	Art. IX, § 19		Art. VII, §§ 2, 3
12-28-15	Art. IV, § 1a	8-14-82	Art. II, §§ 7a, 7b
	Art. Va, § 4		Art. II, § 9
	Art. VIa, §§ 1—6		Art. II, §§ 18, 19, 19a
12-30-22	Art. I, § 3		Art. III, § 1
	Art. VIII, § 1		Art. Va, §§ 3, 4
10-16-26	Art. II, § 13a		Art. VI, §§ 11—13
	Art. IV, § 4a		Art. VII, § 3
1-28-33	Art. II, § 4b		Art. VIII, §§ 2, 2a
	Art. II, § 20	11- 5-91	Art. V, §§ 4a, 6a
			Art. VII, § 9
			Art. VIIa, § 5
		1-15-94	Art. VIIb, § 2(b)
			Art. VIIb, § 13
		11- 2-99	Art. V, § 4a
			Art. II, §§ 4-a, 4b
			Art. II, § 19a
			Art. III
			Art. IV, §§ 4, 4a

HOUSTON CODE

Date		Section this Volume
	Rpld	Art. IVa
		Art. V, §§ 3, 4
		Art. VI, § 1
11- 6-01		Art. II, §§ 21, 22

APPENDICES*

- App. A. Sources of Houston City Charter—Original Act of 1905 and Subsequent Amendments
App. B. Referendum Ordinances Adopted at Elections

APPENDIX A

SOURCES OF HOUSTON CITY CHARTER—ORIGINAL ACT OF 1905 AND SUBSEQUENT AMENDMENTS

The original Act of 1905, 29th Legislature, Regular Session, Special Laws, Chapter 17, House Bill 503, Page 131 (12 Gammel), still constitutes a large part of the present charter of the city. The charter so granted has since been successively amended, as follows:

1. Amendment by Act effective April 13, 1905, H.B. 634, § 1, 29th Leg., R.S., by which § 2 of Art. IX was amended to read as now carried and § 17 of Art. IX was amended to read as it continued to read until amended in 1913 and 1933, and finally repealed in 1942.
2. Amendment by Act effective August 31, 1911, S.B. 50, 32nd Leg., 1st C.S., by which there was added Art. IVa, as now carried except for subsequent amendment in 1913 and 1933.
3. After the adoption of 1912 of the Home Rule Amendment to the State Constitution and the passage in 1913 of the Home Rule Enabling Act now appearing as recodified as Tex. Loc. Gov't Code Ann. ch. 9 (Vernon 1988 and Supp. 1993), the voters of the city successively amended their charter at elections at which the following amendments were approved:
 - (a) At election (Ord. Book 3, Page 426) October 15, 1913, amendments were adopted which were recorded in Vol. 1, Page 105, of the Secretary of State's

Record of Charter Amendments, as follows:

- (1) Amended § 2 of Art. I (Setting boundaries); many times since reamended and modified by ordinances. This section is omitted from the current codification; the City Secretary's office can provide annexation ordinances.
- (2) Added § 2a to Art. I, as now carried.
- (3) Added § 2b to Art. I, as now carried.
- (4) Amended § 2 of Art. II, to read as now carried.
- (5) Added § 4a to Art. II, as now carried.
- (6) Added § 5a to Art. II, as now carried.
- (7) Added § 6a to Art. II, as now carried.
- (8) Added § 7a to Art. II, as now carried except for subsequent amendment in 1982.
- (9) Added § 7b to Art. II, as now carried except for subsequent amendment in 1982.
- (10) Amended § 9 of Art. II, to read as now carried except for subsequent amendment in 1982.
- (11) Added § 14a to Art. II, as now carried. (This section and accompanying § 14 were impliedly repealed by Act creating H.I.S.D. See Act effective March 20, 1923, S.B. 402, 39th Leg., R.S.)
- (12) Added § 15a to Art. II, as now carried.

*These appendices to the Charter are taken from appendices that first appeared in the 1947 and 1958 compilations of the Charter and were prepared by Mr. F. F. Beadle, Senior Assistant City Attorney. They have been updated by Alice S. Wilson and Paul Bibler, Jr., to include Charter amendments subsequent to 1955.

- (13) Added § 19a to Art. II, as now carried except for subsequent amendment in 1982.
 - (14) Amended last paragraph of § 1 of Art. III, to read as now carried.
 - (15) Amended § 3 of Art. IVa, to read as now carried.
 - (16) Added § 4a to Art. IVa, as now carried.
 - (17) Amended § 5 of Art. IVa, to read as now carried.
 - (18) Added § 5a to Art. IVa, as now carried.
 - (19) Amended § 6 of Art. IVa, to read as now carried.
 - (20) Added § 3 to Art. V, as carried until amended in 1933; superseded by new Art. V in 1942.
 - (21) Added § 4 to Art. V, as carried until entire article superseded by new Art. V in 1942.
 - (22) Added § 4a to Art. V, as carried until amended in 1933; superseded by new Art. V in 1942.
 - (23) Added Art. Va (Civil Service), as now carried except for subsequent amendment in 1915, 1968 and 1982. (This Article has been superseded by State Civil Service Laws for firefighters and police officers. See Tex. Loc. Gov't Code Ann. ch. 143.)
 - (24) Amended § 9 of Art. VI (Mayor's Salary), to read as it continued to read until entire article superseded by new Art. VI in 1942.
 - (25) Added § 6a to Art. VII, as carried until entire article superseded by new Art. VII in 1942. (This is the "Lame Duck" provision which passed out of the charter with the 1942 amendments, but was placed back in the charter as one of the 1947 amendments.)
 - (26) Added Art. VIIa (Recall of Officials), as now carried except for subsequent amendment in 1991.
 - (27) Added Art. VIIb (Initiative and Referendum), as now carried except for subsequent amendment in 1991.
 - (28) Amended § 1 of Art. VIII (Controller and His Salary), to read as now carried except for subsequent amendment in 1922, 1933, 1947, and 1961.
 - (29) Amended § 2 of Art. VIII, to read as now carried except for subsequent amendment in 1982.
 - (30) Added § 6 to Art. VIII, as now carried.
 - (31) Amended § 11 of Art. IX, to read as now carried.
 - (32) Amended § 16 of Art. IX, to read as now carried.
 - (33) Amended § 17 of Art. IX (provision for carrying over terms of existing officers), to read as carried until amended in 1933 to like purpose; finally repealed entirely in 1942.
 - (34) Added § 17a to Art. IX (provision for filling vacancies in certain offices), as carried until repealed in 1942.
 - (35) Added § 17b to Art. IX, as now carried.
 - (36) Added § 19 to Art. IX, as now carried.
- (b) At election (Ord. Book 6, page 30) December 28, 1915, amendments were adopted which were recorded in Vol. 3, Page 129, of the Secretary of State's Record, as follows:
- (1) Added Art. VIa, as now carried except for subsequent amendment in 1947 and 1968.
 - (2) Added § 1a to Art. IV, as now carried.
 - (3) Amended § 4 of Art. Va, to read as now carried except for subsequent amendment in 1982. (Note that the certificate filed with the Secretary of State is rather obscure in connection with this amendment as it merely states that the amendment was of "Sec. 4— Commissioners, Rules and Regulations" and does not directly indicate what article was referred to and does not clearly show whether it is an amendment

- or the addition of something entirely new. This obscurity has been cleared up by checking against the original article, the election proposition, etc.)
- (c) At election (Ord. Book 7, page 247) February 20, 1918, only one amendment was adopted, recorded in Vol. 3, page 521, of the Secretary of State's Record, being amendment of § 2 of Art. I, providing for the consolidation of Houston with Houston Heights and amending the City's boundaries to include the additional area involved. This section is omitted from the current codification; the City Secretary's office can provide annexation ordinances.
 - (d) At election (Ord. Book 10, page 371) December 30, 1922, amendments were adopted which are recorded in Vol. 5, page 459, of the Secretary of State's Records, as follows:
 - (1) Amended § 12 of Art. VII, to read as it continued to read until entire article superseded by new Art. VII in 1942.
 - (2) Added § 13 to Art. VII, as carried until entire article superseded by new Art. VII in 1942.
 - (3) Amended § 1 of Art. VIII (City Controller's Salary), to read as now carried except for subsequent amendment in 1933, 1947 and 1961.
 - (4) Amended § 2 of Art. I (Boundaries). This section is omitted from the current codification; the City Secretary's office can provide annexation ordinances.
 - (5) Amended § 3 of Art. I, to read as now carried.
 - (e) At election (Ord. Book 15, page 259) October 16, 1926, amendments were adopted which are recorded in Vol. 6, page 439, of the Secretary of State's Records, as follows:
 - (1) Added § 4a to Art. IV, as now carried.
 - (2) Added § 13a to Art. II, as now carried.
 - (3) Amended § 2 of Art. I (Boundaries) to consolidate City of Houston with City of Magnolia Park. This section is omitted from the current codification; the City Secretary's office can provide annexation ordinances.
 - (f) At election (Ord. Book 24, page 389), January 28, 1933, amendments were adopted which are recorded in Vol. 8, page 259, of the Secretary of State's Records, as follows:
 - (1) Amended § 10 of Art. III, to read as now carried.
 - (2) Amended § 3 of Art. V, to read as it continued to read until entire article superseded by new Art. V in 1942.
 - (3) Amended Subdivisions a and b of § 4a of Art. V to read as they continued to read until entire article superseded by new Art. V in 1942.
 - (4) Added § 4b to Art. II, as now carried.
 - (5) Added Art. IVb, as now carried.
 - (6) Amended § 17 of Art. IX, to read as it continued to read until repealed in 1942.
 - (7) Added § 14a to Art. IVa, as now carried.
 - (8) Amended third paragraph of Sec. 9 of Art. IVa, to read as now carried.
 - (9) Added Subdivision (s) to § 4a of Art. V (Provision fixing date of City Democratic Primary), as carried until entire article superseded by new Art. V in 1942.
 - (10) Amended § 1 of Art. VIII (City Controller's Salary), to read as now carried except for subsequent amendment in 1947 and 1961.

- (11) Amended first paragraph of § 15 of Art. III (Composition of Board of Appraisement), to read as now carried.
- (12) Added § 16 to Art. III, as now carried.
- (13) Added § 20 to Art. II, as now carried.
- (g) At election (Ord. Book 35, page 331) August 15, 1942, amendments were adopted which are recorded in Vol. 10, page 42, of the Secretary of State's Records, as follows:
 - (1) Adopted new Art. V superseding former article, as carried until superseded by new Art. V in 1951.
 - (2) Repealed §§ 6, 17, and 17a of Art. IX.
 - (3) Adopted new Art. VI superseding former article, as now carried except for subsequent amendment in 1947, 1968 and 1982.
 - (4) Added Art. VIb, as carried until repealed in 1947.
 - (5) Adopted new Art. VII superseding former article, as now carried except for subsequent amendment in 1947, 1951, 1979, 1982 and 1991.
- (h) At election (Ord. Book 43, page 117) July 26, 1947, amendments were adopted which are recorded in Vol. 10, page 315, of the Secretary of State's Records, as follows:
 - (1) Added § 4a to Art. V, as carried until entire article superseded by new Art. V in 1951.
 - (2) Added § 7a to Art. VI, as now carried except for subsequent amendment in 1968.
 - (3) Repealed Art. VIb.
 - (4) Amended § 8 of Art. VI, to read as now carried.
 - (5) Amended § 4 of Art. VIa, to read as now carried.
- (6) Added § 9a to Art. VII, as carried until repealed in 1951.
- (7) Amended § 1 of Art. VII, to read as now carried.
- (8) Added § 11a to Art. VII, as now carried.
- (9) Amended § 1 of Art. VIII (City Controller's Salary), to read as now carried except for subsequent amendment in 1961.
- (i) At election May 29, 1951, amendments were adopted as follows:
 - (1) Adopted new Art. V superseding former article, as carried until superseded by new Art. V in 1955.
 - (2) Repealed § 9a of Art. VII.
- (j) At election August 16, 1955, amendments were adopted as follows:

Adopted new Art. V superseding former article, as now carried except for subsequent amendment in 1979.
- (k) At election November 18, 1961, an amendment was adopted as follows:

Amended § 1 of Art. VIII, to read as now carried.
- (l) At election January 27, 1968, amendments were adopted as follows:
 - (1) Amended § 19 of Art. II, to read as now carried except for subsequent amendment in 1982.
 - (2) Amended § 1 of Art. Va, to read as now carried.
 - (3) Amended § 2 of Art. VIa, to read as now carried.
 - (4) Amended paragraph (4) of § 7a of Art. VI, to read as now carried.
- (m) At election August 11, 1979, amendments were adopted as follows:
 - (1) Amended §§ 1, 2, 3, 4, 5, and 8 of Art. V, to read as now carried.
 - (2) Amended § 2 of Art. VII, to read as now carried.

- (n) At election August 14, 1982, amendments were adopted as follows:
 - (1) Amended §§ 2, 3 and 4 of Art. Va, to read as now carried.
 - (2) Amended §§ 7a, 7b, 9, 19 and 19a of Art. II, to read as now carried.
 - (3) Amended § 3 of Art. VII, to read as now carried.
 - (4) Added § 2a to Art. VIII, as now carried.
 - (5) Added §§ 11, 12 and 13 to Art. VI, as now carried.
 - (6) Amended § 18 of Art. II, to read as now carried.
 - (7) Amended § 2 of Art. VIII, to read as now carried.
 - (8) Amended the first paragraph of § 1 of Art. III, to read as now carried as two paragraphs.
- (o) At election November 5, 1991, amendments were adopted as follows:
 - (1) Added § 6a to Art. V, as now carried.
 - (2) Amended § 5 of Art. VIIa, to read as now carried.
 - (3) Amended subsection (b) of § 2 of Art. VIIb, to read as now carried.
 - (4) Amended § 9 of Art. VII, to read as now carried.
 - (5) Added § 4a. to Art. V, which was repealed in 1994.
- (p) At election January 15, 1994, amendments were adopted as follows:
 - (1) Repealed § 4a of Art. V.
 - (2) Added § 13 to Art. VIIb, as now carried.
- (q) At election November 2, 1999, amendments were adopted as follows:
 - (1) Repealed §§ 4-a and 4b of Art. II, §§ 4 and 4-a of Art. IV, and all of Art. IVa.
- (2) Amended Art. III, to read as now carried.
- (3) Amended § 4 of Art. V and § 1 of Art. VI, to read as now carried.
- (4) Amended the first paragraph of § 19a of Art. II, to read as now carried.
- (r) At election November 6, 2001, amendments were adopted as follows:
 - (1) Added § 21 to Art. II, to read as now carried.
 - (2) Added a section, which the editors placed in Art. II as § 22.

APPENDIX B

REFERENDUM ORDINANCES ADOPTED AT ELECTIONS

Because Art. VIIb, the referendum and initiative article in the city charter, provides that ordinances adopted under its provisions may not be thereafter amended or repealed except as therein provided, such ordinances have until so repealed practically the same effect as charter provisions. The following brief statement is made of the subject matter of the ordinances below referred to, adopted at elections indicated and apparently never repealed or amended pursuant to the provisions of Art. VIIb (except as noted below), but without expression of opinion either as to their initial or present validity, effectiveness, or binding force, except to the limited extent below indicated:

2½% ANNUAL LIBRARY TAX

At the election held February 9, 1921, the ordinance calling which is in Vol. 9, page 9, of the city secretary's books, the taxpaying voters of the city approved a proposition stated on the ballots as follows:

"For the levy and collection by the City Council of the City of Houston of a direct ad valorem tax of not less than two and one-half (2½) cents, as may be determined by the city Council, on every One Hundred (\$100.00) Dollars of value thereof, on all property real, personal and mixed within the City of Houston upon which a tax is authorized by law to be levied in the City of Houston, and upon all franchises of all individuals and corporations holding a franchise from the City of Houston, said tax to be appropriated for maintaining the Public Library System in the City of Houston."

Upon question of binding effect of this ordinance on future city councils, see *Denman v. Quinn*, 116 S.W.2d 783 (Tex. Civ. App.—San Antonio 1938, writ ref'd), holding that a city's annual tax levying ordinance passed by the city council was not subject to referendum under board referendum provision containing in San Antonio charter. See, however, contrary view as to a different type of ordinance as stated in *Taxpayers Association*

v. City of Houston, 129 Tex. 629, 106 S.W.2d 655 (1937). Note also that the foregoing ordinance was not submitted to the general electorate of the city as contemplated by Art. VIIb of the charter for referendum or initiative submission of ordinance, but was submitted only to the tax-paying voters.

ORDINANCE ABOLISHING JITNEYS

An election held January 19, 1924, the ordinance calling which is in Vol. 11, page 435, of the city secretary's ordinance books, there was approved a very lengthy and detailed ordinance abolishing jitney busses and jitney routes and virtually prohibiting operation along fixed routes of any passenger vehicle with a seating capacity of less than fifteen persons and prohibiting the operation of motor vehicles carrying passengers along fixed routes upon streets on which street cars were operated.

By order of the United States District Court for the Southern District of Texas dated March 31, 1994, in Cause No. H-89-1245, the foregoing jitney ordinance was declared unconstitutional.

1936 GENERAL EMPLOYEES' MINIMUM SALARY ORDINANCE

At election held on August 22, 1936, the ordinance calling which appears in Vol. 26, page 441, of the city secretary's ordinance books, there was approved an ordinance fixing minimum monthly salaries of various and sundry appointive officers and employees of the city, the employees being classified by departments in extreme detail and including apparently all employees from the department head on down. The fire department was not included in this ordinance, but apparently all other departments were included, including police department.

Note the 1946 ordinance referred to below granting blanket salary increases to city employees except police and fire department personnel, and note that the 1946 police department minimum salary ordinance referred to below in all certainty repealed so much of the foregoing 1936 ordinance as referred to the police department. For validity and effect of this type of ordinance adopted by referendum, see *Taxpayers Association*

v. City of Houston, 129 Tex. 629, 105 S.W.2d 655 (1937), and *Dry v. Davidson*, 115 S.W.2d 689 (Tex. Civ. App.—Galveston 1938, writ ref'd).

1936 FIRE DEPARTMENT MINIMUM SALARY ORDINANCE

At election held August 22, 1936, the ordinance calling which appears in Vol. 26, page 436, of the city secretary's ordinance books, there was approved an ordinance fixing minimum salaries within detailed classifications of fire department personnel.

Note the 1946 fire department minimum salary ordinance referred to below, the provisions of which in all certainty superseded the foregoing 1936 ordinance. For validity and effect see cases referred to under the 1936 general employees minimum salary ordinance.

1946 FIRE DEPARTMENT MINIMUM SALARY ORDINANCE

At election held on June 22, 1946, the ordinance calling which is in Vol. 40, page 322, of the city secretary's ordinance books, there was approved an ordinance prescribing in detail positions and classifications of employees in the fire department and fixing in detail salaries in such department.

Note that the foregoing 1946 ordinance in all certainty superseded the similar 1936 ordinance. For validity and effect, see cases referred to above under the 1936 general employees' salary ordinance. Note also general legislation from time to time passed by the State Legislature in the matter of minimum salaries of firemen.

1946 POLICE DEPARTMENT MINIMUM SALARY ORDINANCE

At election held June 22, 1946, the ordinance calling which is in Vol. 40, page 327, of the city secretary's ordinance books, there was approved an ordinance prescribing in extreme detail positions and classifications of employees in the police department and fixing minimum salaries of police department personnel.

Note that the foregoing ordinance in all certainty repealed so much of the 1936 general city

employees' minimum salary ordinance as dealt with the police department. For validity and effect, see cases cited above under 1936 general employees' minimum salary ordinance. Note also general state laws covering minimum hours and minimum salaries of police officers.

GENERAL CITY EMPLOYEES' SALARY ORDINANCE OF 1946

At an election held on June 22, 1946, the ordinance calling which is in Vol. 40, page 332, of the city secretary's ordinance books, there was approved an ordinance which very briefly provided blanket percentage salary increases for certain city employees and for a flat \$30.00 per month increase for all or at any rate nearly all other employees (except fire and police department personnel covered by the two ordinances adopted the same day hereinabove referred to).

For validity and effect, see cases cited above under 1936 general city employees' salary ordinance, noting that the 1946 ordinance did not designate or establish positions and did not prescribe minimum salaries for any positions, it not being within the scope of this work to attempt a determination of the effect of this 1946 ordinance on salary schedules in general.

POLICEMEN'S AND FIREMEN'S CIVIL SERVICE, STATE LAW, 1947

Article 1269m, Vernon's Texas Civil Statutes, enacted by the 1947 Legislature now codified as Tex. Loc. Gov't Code Ann. ch. 143, provides for civil service system for policemen and firemen under a uniform plan provided by the Legislature. Pursuant to a command contained in the Act, cities were required to submit to popular vote the question of adoption or rejection of the Act, with provision that upon its adoption it would supersede charter provisions or ordinances covering its subject matter.

At an election held in the city January 31, 1948, this Act was adopted by a majority vote of the votes cast at the election. It differs in many important respects from the city's civil service charter provisions (Art. Va of the foregoing charter) and no action should be taken in the matter of civil service, whether pertaining to policemen and

firemen or to other employees without first consulting ch. 143, Tex. Loc. Gov't Code Ann., since some of its provisions touch upon the entire subject of composition of the city's civil service commission and of the executive administration of the civil service functions.

1950 FIRE DEPARTMENT MINIMUM SALARY ORDINANCE

At an election held on July 22, 1950, an ordinance was adopted that established various positions and salaries for those positions in the classified service of the Fire Department. The ordinance contains a repealer clause, and it presumably repealed the 1946 ordinance, which is discussed above.

1954 POLICE AND FIRE DEPARTMENT SAL- ARY ORDINANCE

At an election held on August 28, 1954, an ordinance was adopted that increased the salaries of firefighters and police officers by forty-five dollars per month. This ordinance contained a repealer clause, and it repealed the salaries contained in the other police and fire salary ordinances, which are described above.

CONCLUSION

In the foregoing brief reference to ordinances adopted at elections no effort has been made to include those ordinances so adopted which merely authorized the doing once of some one particular thing, which, when done, thereby accomplished the entire purpose of the ordinance, as for example ordinances authorizing purchase of a certain parcel of land or sale of a certain parcel of land.